

By Mr. ROGERS: A bill (H. R. 14561) to amend an act entitled "An act for the improvement of the foreign service" so as to provide a system of promotion of efficient secretaries in the Diplomatic Service to vacancies arising in the rank of minister; to the Committee on Foreign Affairs.

By Mr. WINSLOW: A bill (H. R. 14562) authorizing the Secretary of War to donate to the town of Douglas, Mass., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 14563) authorizing the Secretary of War to donate to the town of Auburn, Mass., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 14564) authorizing the Secretary of War to donate to the town of Upton, Mass., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 14565) authorizing the Secretary of War to donate to the town of Sutton, Mass., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 14566) authorizing the Secretary of War to donate to the town of Grafton, Mass., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 14567) authorizing the Secretary of War to donate to the town of Hopedale, Mass., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 14568) authorizing the Secretary of War to donate to the town of Mendon, Mass., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 14569) authorizing the Secretary of War to donate to the town of Millbury, Mass., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 14570) authorizing the Secretary of War to donate to the town of Millville, Mass., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 14571) authorizing the Secretary of War to donate to the town of Shrewsbury, Mass., one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. HERSEY: A bill (H. R. 14572) authorizing the Secretary of War to donate to the town of Caribou, Me., one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. OVERMEYER: A bill (H. R. 14573) to authorize the exchange of the present Federal-building site at Fremont, Ohio, for a new site, etc.; to the Committee on Public Buildings and Grounds.

By Mr. O'SHAUNESSY: A bill (H. R. 14574) providing for reinstatement for soldiers, sailors, and marines to their former Government positions; to the Committee on Reform in the Civil Service.

By Mr. PRATT: A bill (H. R. 14575) to provide for the erection of a public building in the city of Bath, N. Y.; to the Committee on Public Buildings and Grounds.

By Mr. FERRIS: A bill (H. R. 14576) authorizing the Secretary of War to donate to the town of Chickasha, county of Grady, State of Oklahoma, one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. BURNETT: A bill (H. R. 14577) to expel and exclude from the United States certain undesirable aliens; to the Committee on Immigration and Naturalization.

By Mr. JONES: A bill (H. R. 14578) authorizing the Secretary of War to donate certain designated towns each one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. DALE: A bill (H. R. 14579) donating two captured German cannons or field guns and carriages to the town of Brattleboro, Vt., for ornamental purposes; to the Committee on Military Affairs.

By Mr. HARRISON of Mississippi: A resolution (H. Res. 504) to make in order, in the consideration of the Diplomatic and Consular appropriation bill, provisions for embassies and consular buildings; to the Committee on Rules.

By Mr. CAMPBELL of Kansas: A resolution (H. Res. 505) proposing an investigation of casualties in the Thirty-fifth Division in the battle of the Argonne Forest; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CRAMTON: A bill (H. R. 14580) granting an increase of pension to George B. Crain; to the Committee on Invalid Pensions.

By Mr. CURRIE of Michigan: A bill (H. R. 14581) granting a pension to Margaret Donahue; to the Committee on Invalid Pensions.

By Mr. EMERSON: A bill (H. R. 14582) granting a pension to Esther F. Fiken; to the Committee on Invalid Pensions.

By Mr. SWITZER: A bill (H. R. 14583) granting a pension to David R. Evans; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Colorado: A bill (H. R. 14584) for the relief of the widow of Joseph C. Akin; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. CARY: Petition of Parker Motor Truck Co., Milwaukee, Wis., advising an increase in zone rates on advertising; to the Committee on Ways and Means.

Also, petition of the Stowell Co., founders and manufacturers, asking for quick passage of Dent bill for validation of informal contracts; to the Committee on Labor.

Also, petition of employees of the Western Union Telegraph Co., protesting against the wage schedule adopted by Postmaster General Burleson; to the Committee on Labor.

Also, petition of Leroy D. Samuels, United States Weather Bureau, relating to the proposed increase in salary of Federal employees; to the Committee on Labor.

Also, petition of Ladies Catholic Benevolent Association, favoring the Baker bill granting recognition for nurses; to the Committee on Military Affairs.

By Mr. ESCH: Petition of Government employees at Milwaukee, Wis., requesting the passage of the salary increase provision of the legislative, executive, and judicial appropriation bill; to the Committee on Appropriations.

Also, resolutions adopted by 900 delegates in convention assembled at Baltimore, Md., recommending a league of nations; to the Committee on Foreign Affairs.

By Mr. HAMILTON of Michigan: Petition of Woman's Temperance Union of Allegan, Mich., asking support to ratify the national constitutional prohibition amendment; to the Committee on the Judiciary.

By Mr. SNOOK: Resolutions adopted by the committee from shops of Wabash Railroad and members of American Federation of Railroad Workers in Decatur, Ill., favoring continuance of Government control of railroads; to the Committee on Interstate and Foreign Commerce.

By Mr. SNYDER: Petition of pastor and members of the Methodist Episcopal Church of Oriskany Falls, N. Y., to prevent the emigration of brewers in the United States to China for the purpose of brewing in that country; to the Committee on Foreign Affairs.

By Mr. WINSLOW: Petition of mass meeting of citizens at Worcester, Mass., asking Congress to enforce the provisions of Federal Constitution in respect to invasion of Russia; to the Committee on Foreign Affairs.

Also, resolutions of Lithuanian residents of Worcester and Commonwealth of Massachusetts, relating to the persecution of people of Lithuania; to the Committee on Foreign Affairs.

SENATE.

FRIDAY, January 17, 1919.

(Legislative day of Tuesday, January 14, 1919.)

The Senate met at 12 o'clock noon, on the expiration of the recess.

Mr. SHEPPARD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Texas suggests the absence of a quorum, and the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Jones, Wash.	New	Smith, Ga.
Bankhead	Kellogg	Norris	Smith, S. C.
Beckham	Kendrick	Nugent	Smoot
Borah	Kenyon	Overman	Spencer
Culberson	King	Page	Sutherland
Curtis	Kirby	Penrose	Swanson
Fernald	Knox	Phelan	Thomas
Gay	Lewis	Pittman	Trammell
Gerry	Lodge	Poindestexter	Underwood
Gronna	McCumber	Pollock	Vardaman
Harding	McKellar	Pomerene	Walsh
Henderson	McLean	Reed	Watson
Hollis	Martin, Va.	Saulsbury	Weeks
Johnson, S. Dak.	Moses	Sheppard	Williams
Jones, N. Mex.	Myers	Smith, Ariz.	Wolcott

Mr. McKELLAR. I wish to announce the absence of the senior Senator from Tennessee [Mr. SHIELDS] on account of illness. I will let this announcement stand for the day.

Mr. SUTHERLAND. My colleague, the senior Senator from West Virginia [Mr. GORF], is absent on account of illness.

Mr. CURTIS. I desire to announce the absence of the Senator from Illinois [Mr. SHERMAN] on account of illness and the absence of the Senator from South Dakota [Mr. STERLING] on account of a death in his family.

Mr. KIRBY. I desire to announce that the Senator from Arkansas [Mr. ROBINSON] is detained on account of illness.

Mr. LEWIS. I wish to announce that the senior Senator from Oregon [Mr. CHAMBERLAIN], the Senator from Florida [Mr. FLETCHER], the Senator from Kentucky [Mr. MARTIN], and the Senator from Louisiana [Mr. RANSDELL] are detained on official business.

Mr. FERNALD. I desire to announce that the Senator from North Carolina [Mr. SIMMONS], the Senator from Wisconsin [Mr. LENROOT], and the Senator from New York [Mr. CALDER] are necessarily absent in committee.

The PRESIDENT pro tempore. Sixty Senators have answered to their names. There is a quorum present.

FOOD SUPPLIES FOR EUROPE.

Mr. MARTIN of Virginia. I ask the Senator from Texas to yield to me a moment that I may submit a report from the Committee on Appropriations.

Mr. SHEPPARD. Certainly.

Mr. MARTIN of Virginia. I report back favorably with amendments from the Committee on Appropriations the bill (H. R. 13708) providing for the relief of such populations in Europe and countries contiguous thereto outside of Germany as may be determined upon by the President as necessary. I wish to give notice in making this report that I have directed the clerk to place upon the desks of Senators copies of the hearings, and that immediately following the completion of the routine morning business to-morrow I shall ask the Senate to proceed to the consideration of the bill.

Mr. BORAH. May I ask what disposition is to be made of the bill? I could not hear the statement of the Senator from Virginia.

Mr. MARTIN of Virginia. I shall ask the Senate to-morrow at the completion of the routine morning business to proceed to the consideration of the bill.

Mr. KENYON. There was the right reserved in the committee by certain Senators, or by a certain Senator, to file a minority report on the bill. I do not know that it will be done, but if it is decided to submit such a report I can file it by to-morrow morning.

Mr. MARTIN of Virginia. I shall not ask that the bill be taken up before to-morrow morning.

Mr. KENYON. All right.

The PRESIDENT pro tempore. The bill will be placed on the calendar.

SENATOR FROM NORTH CAROLINA.

Mr. OVERMAN. Mr. President, I rise to a privileged matter. I present the credentials of my colleague [Mr. SIMMONS] for another term in the Senate. I ask that the credentials may be read and filed.

The credentials were read and ordered to be filed, as follows:

STATE OF NORTH CAROLINA,
EXECUTIVE DEPARTMENT.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 5th day of November, 1918, FURNIFOLD M. SIMMONS was duly chosen by the qualified electors of the State of North Carolina a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 4th day of March, 1919.

Witness his excellency, our governor, Thomas Walter Bickett, and our seal hereto affixed at Raleigh, this the 11th day of January, in the year of our Lord 1919.

By the governor:
[SEAL]

T. W. BICKETT, Governor.

J. BRYAN GRIMES,

PETITIONS AND MEMORIALS.

Mr. FERNALD. I present resolutions adopted by the Chamber of Commerce of the city of Bangor, Me., urging the protection of the rights of investors in public utilities, and the further development and utilization of the water powers of the State of Maine, which I ask may be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

BANGOR CHAMBER OF COMMERCE.
Bangor, Me., January 15, 1919.

Hon. BERT M. FERNALD,
United States Senate, Washington, D. C.

DEAR SIR: Inclosed find copy of letter, together with resolutions adopted by our chamber here. We shall be obliged if you will give these any publicity you can; also, if you will urge the National Chamber of Commerce to give what notice they can to them.

Yours, very truly,

JAMES Q. GULNAC, President.

BANGOR, ME., January 8, 1919.

SIR: The Bangor Chamber of Commerce, in sending to you a copy of resolutions passed by them, beseech you to give immediate consideration of these questions. They also ask you to consider that future

developments in the State of Maine are almost wholly dependent upon the development and utilization of the water powers of the State; that to make possible the full use of the present water developments and to justify further electric developments a proper consideration must be granted the investing public by the powers regulating such development and operation; that our governor, our legislature, our public utility commission be urged to consider the fact that for any well-regulated public utility it is their sworn duty to see that the rights of the investing public are properly safeguarded, and that for such well-regulated utility a return upon their investment sufficient to attract capital inside the State and from outside the State is justified; that the majority of citizens desire to see the resources of the State fully developed. May we ask you also to make known to us the result of any investigation you may make, to the end that a full education of the public in this question be obtained?

Respectfully,

BANGOR CHAMBER OF COMMERCE,
President.

Resolutions adopted by the Bangor Chamber of Commerce.

Whereas the Bangor Chamber of Commerce feels that the country is facing a grave condition in regard to public utilities; and Whereas they feel that all citizens are vitally interested in the well-being of the public utilities; and

Whereas they feel that on their organization and on similar organizations throughout this entire country rests a grave responsibility in this regard: Now, therefore, be it

Resolved, That the Bangor Chamber of Commerce, realizing that their duty was to study the question, both in the State of Maine and elsewhere, and to make known to their members and to the citizens of this community the result of their study—

That as a result of such study the Bangor Chamber of Commerce finds that a substantial part of the funds of the savings banks is invested in bonds of public utilities; that the depositors of mutual savings banks are in reality part owners of every such investment; that the same is true of the life insurance companies, both as to investment and ownership; that the present and future well-being of every community is directly dependent upon the successful running and further development of the public utilities operating in their locality; that every such community should be anxious to see that the conditions under which such public utilities are operating are such as to allow the companies sufficient revenue to properly protect the public from accidents, to keep their lines in good condition, to render efficient service to the public, to make further needed developments, and to safeguard the property ownership of the investing public.

The Bangor Chamber of Commerce feels that a much graver responsibility rests with the public-service commissions; that their sworn duty is to see that the public utilities are properly and efficiently run; that they are responsible for the credit, continuity, and general well-being of the public utilities; that every public-service commission should be upheld and backed where they have recognized such responsibility; that where commissions have not so recognized this duty the public should insist that they do so.

The Bangor Chamber of Commerce urges every board of trade in the State of Maine to at once start a study of this question; that they urge the National Chamber of Commerce at Washington to give space in The Nation's Business to this question; that the National Chamber of Commerce be asked to urge every member of the national association to study this question and to make known through publicity in the same channels the result of this study.

The Bangor Chamber of Commerce also urges the Bangor Rotary Club to take this up with their national association in the same manner. The Bangor Chamber of Commerce feels that an intelligent study of this question by the business men of the country, with a campaign of publicity as to the result of this study, will aid greatly in solving rightly this very grave problem.

BANGOR, ME., January 6, 1919.

Mr. LODGE presented resolutions adopted by the City Council of Cambridge, Mass., favoring the establishment of a league of nations, which were referred to the Committee on Foreign Relations.

Mr. FRELINGHUYSEN presented a petition of the Political Study Club, of Orange, N. J., praying for the submission of a Federal suffrage amendment to the Constitution of the United States, which was ordered to lie on the table.

He also presented a petition of the Catholic Club of Bernardsville, N. J., praying for the freedom of Ireland, which was referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of Essex and Berger Counties, in the State of New Jersey, praying for the enactment of legislation substituting the oath required of enlisted men for the oath required of officers, which was referred to the Committee on Military Affairs.

STATE, WAR, AND NAVY BUILDING (S. DOC. NO. 344).

Mr. SMITH of Arizona. From the Committee on Printing I present a report favorable to printing the report of the National Board of Fire Underwriters on the condition of the State, War, and Navy Building, transmitted by the Secretary of War in response to a resolution of the Senate, and I submit a resolution for that purpose. I ask unanimous consent for the present consideration of the resolution.

Mr. SHEPPARD. Will the resolution lead to any debate?

Mr. SMITH of Arizona. It will lead to only a word or two. The junior Senator from New York [Mr. CALDER] is interested in the subject and wishes to submit a few brief remarks. I will ask the Senator from New York if he proposes to take much time. If so, I will withdraw the resolution for the present.

Mr. CALDER. I will state that I shall take about five minutes.

Mr. SHEPPARD. I ask that the unfinished business be temporarily laid aside for this purpose.

The PRESIDENT pro tempore. Without objection, the unfinished business will be temporarily laid aside, and the Senate will proceed to the consideration of the resolution.

Mr. JONES of Washington. I think it ought to be read before consent is given.

Mr. SMITH of Arizona. I will withdraw it if it is to lead to debate.

Mr. JONES of Washington. Does not the Senator wish to have the resolution read?

Mr. SMITH of Arizona. It is in answer to a Senate resolution, recently passed, asking for information. The information came to the Senate, and under the rule it should be printed. I am asking that it be printed.

Mr. JONES of Washington. If under the rule it should be printed, what is the necessity for the adoption of the resolution?

Mr. SMITH of Arizona. I want to have the resolution passed to print the reports, together with the accompanying illustrations, which came in response to a resolution of the Senate.

Mr. JONES of Washington. I should like to have the resolution read. That is all I want.

The PRESIDENT pro tempore. The Secretary will read the resolution.

The Secretary read the resolution (S. Res. 413), as follows:

Resolved, That the reports of the National Board of Fire Underwriters on the condition of the State, War, and Navy Building, transmitted by the Secretary of War, in response to a resolution of the Senate (No. 271), be printed as a Senate document, together with the accompanying illustrations.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. CALDER. Mr. President, the reports of the National Board of Fire Underwriters were sent to the Senate by the War Department, as the result of a resolution of inquiry submitted by me some months ago. I think it very important that the report should be printed, and I earnestly request Members of the Senate to read it carefully.

I was prompted to offer the resolution through observing that a frame structure had been built in one of the inner courts of the State, War, and Navy Building, which I considered to be a very real fire hazard to that building. It is a structure which ought not to be permitted in any public or private building in America, and for the past year it has been a very great menace to that fine structure.

The report will show that the most important papers of our Government are lodged in that building—the original Declaration of Independence, the original Constitution of the United States, our important treaties with foreign countries, and other valuable State, War, and Navy documents.

I have repeatedly urged, Mr. President, that this frame building should be demolished. Only yesterday, without knowledge that this matter would be brought up to-day, I called at the War Department and again urged that it be taken down. If it had been erected in the inner court of any private building in the United States it would have been ordered demolished long ago.

I hope, as the result of the printing of this report, some action will be taken by the Committee on Public Buildings and Grounds of this body, insisting that this building be put in proper condition to safeguard the valuable documents of the country.

The resolution was passed.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CURTIS:

A bill (S. 5361) donating captured cannon and cannon balls to the University of Kansas, Lawrence, Kans.;

A bill (S. 5362) donating captured cannon and cannon balls to the city of Garnett, Kans.;

A bill (S. 5363) donating captured cannon and cannon balls to Ellsworth County, Kans.;

A bill (S. 5364) donating captured cannon and cannon balls to the city of McPherson, Kans.;

A bill (S. 5365) donating captured cannon and cannon balls to the city of Baxter Springs, Kans.; and

A bill (S. 5366) directing the Secretary of War to restore to their former rank 18 noncommissioned officers of the One hundred and thirty-ninth United States Infantry (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 5367) granting an increase of pension to Francis M. Ellis (with accompanying papers); to the Committee on Pensions.

By Mr. KIRBY:

A bill (S. 5368) authorizing the Postmaster General to cancel or readjust the screen-wagon contract of H. L. McFarlin, at Little Rock, Ark.; to the Committee on Post Offices and Post Roads.

By Mr. HENDERSON:

A bill (S. 5369) to provide for an increase of salary of the United States marshal for the district of Nevada; to the Committee on the Judiciary.

By Mr. WALSH:

A bill (S. 5370) granting a pension to Thomas Ryan; to the Committee on Pensions.

By Mr. REED:

A bill (S. 5371) for the relief of Roland S. Robbins; to the Committee on Claims.

By Mr. SUTHERLAND:

A joint resolution (S. J. Res. 212) directing The Adjutant General of the United States Army and the Secretary of the Navy to furnish certain data to the adjutants general of the several States; to the Committee on Military Affairs.

RIVER AND HARBOR APPROPRIATIONS.

Mr. PHELAN submitted an amendment intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. WEEKS submitted an amendment intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. FRELINGHUYSEN submitted an amendment intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

WITHDRAWAL OF PAPERS—S. J. BATCHELDER.

On motion of Mr. CURTIS, it was

Ordered, That leave be granted to withdraw from the files of the Senate the papers accompanying the bill S. 1396, Sixty-fifth Congress, second session, granting a pension to S. J. Batchelder, no adverse report having been made thereon.

UTILIZATION OF WINE GRAPES.

Mr. PHELAN. I offer a resolution and ask that it be read and lie on the table.

The resolution (S. Res. 414) was read and ordered to lie on the table, as follows:

Resolved, That the Secretary of Agriculture be, and he is hereby, requested to investigate and furnish the Senate of the United States with information bearing upon the utilization of wine grapes for other purposes than the production of alcoholic beverages.

THE CENSUS.

Mr. SHEPPARD. I ask that the unfinished business be laid before the Senate.

The PRESIDENT pro tempore. The Chair lays the unfinished business before the Senate.

The Senate resumed the consideration of the bill (H. R. 11984) to provide for the Fourteenth and subsequent decennial censuses.

The PRESIDENT pro tempore. The question is on concurring in the amendments made as in Committee of the Whole.

Mr. SMOOT. Mr. President, I understand that the chairman of the committee, the Senator from Texas [Mr. SHEPPARD], has accepted the amendment offered by the Senator from Maryland [Mr. FRANCE] to section 9; in other words, to strike out all of section 9 of the bill as it comes from the House and to insert a new section. To section 9 of the bill as it came from the House I offered an amendment placing the supervisors of the census under the civil-service act and rules. The acceptance of the amendment proposed by the Senator from Maryland prevents my amendment from having any force whatever, and as the section now before the Senate, as introduced by the Senator from Maryland, provides that the supervisors of the census shall be appointed by the President, by and with the advice and consent of the Senate, it becomes necessary that I shall offer an amendment in conformity with the amendment which I offered while the bill was before the Senate as in Committee of the Whole. I realize that that can only be done by unanimous consent. I was not aware that section 9 of the bill, as it was accepted by the chairman of the committee, had any provision in it relating to the appointment of supervisors. Therefore, Mr. President, I ask unanimous consent that I may be allowed to offer the same amendment to section 9 as the bill provides now, as it is in the Senate, which I offered while the bill was before the Senate as in Committee of the Whole.

Mr. SHEPPARD. I hope the unanimous consent asked by the Senator from Utah may be granted, in order that we may have a vote on the proposition.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Utah? The Chair hears none. The amendment proposed by the Senator from Utah will be stated.

The SECRETARY. After the word "appointed," on line 11 of the printed amendment of Mr. FRANCE, it is proposed to insert the words "in conformity with the civil-service act and rules."

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Utah.

Mr. SHEPPARD. I ask for the yeas and nays on the amendment.

Mr. SMOOT. Mr. President, before the vote is taken, may I complete the amendment which I desire to offer, so that one vote will answer for the entire amendment?

The PRESIDENT pro tempore. In the absence of objection, the Secretary will state the remainder of the amendment as proposed by the Senator from Utah.

The SECRETARY. It is also proposed, after the word "President," at the end of line 11 of the amendment of Mr. FRANCE, to insert the words "by and," so that it will read "by and with the advice and consent of the Senate"; and, after the word "Senate," on page 2, line 1, to insert the following proviso—

Mr. SMOOT. I will say, Mr. President, that I have modified the amendment in one respect, so as to make the proviso read:

Provided further, That said supervisors shall be selected from persons who have passed the necessary civil-service examinations.

That will complete my amendment.

Mr. SHEPPARD. Mr. President, I ask for the yeas and nays on the amendment proposed by the Senator from Utah.

The yeas and nays were ordered.

Mr. SMITH of Arizona. Mr. President, the pending question is not understood in the confusion in the Chamber. It has been impossible for any Senator to understand a word that has been said. Senators do not know what the question is, and I should like information before the call of the roll as to what we are to vote on.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Utah, which places the selection of these employees under the civil service. As the Chair understands, the same amendment was adopted by the Senate as in Committee of the Whole, but it was displaced by the adoption in the Committee of the Whole of the amendment of the Senator from Maryland [Mr. FRANCE] substituting a new section for section 9.

Mr. OVERMAN. Mr. President, as I understand, this amendment does not not apply to all employees, but merely to supervisors.

Mr. SMOOT. It is merely as to supervisors.

The PRESIDENT pro tempore. The Chair can not hear what Senators are saying. Business will cease until order is restored in the Chamber. The Chair must ask Senators to take their seats and to cease conversation.

Mr. SMOOT. Mr. President, I desire to say to the Senator from Arizona that the amendment applies to the 400 supervisors who are provided for under the census bill.

Mr. SMITH of Arizona. Those 400 supervisors, as I understand, are to be called from the civil service?

Mr. SMOOT. They are to be appointed by the President from the persons who have passed the necessary civil-service examination.

Mr. SMITH of Arizona. No matter what branch of the civil service they happen to be in?

Mr. SMOOT. My amendment provides that they shall be selected from those who have passed the necessary civil-service examination, and, of course, the Civil Service Commission will provide the rules for the passing of the required examination.

Mr. SMITH of Arizona. As I understand, then, the supervisors might be appointed from any branch of the civil service.

The PRESIDENT pro tempore. The yeas and nays have been ordered, and the Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. KENDRICK (when his name was called). I have a general pair with the Senator from New Mexico [Mr. FALL], and therefore withhold my vote.

Mr. OVERMAN. I have a general pair with the senior Senator from Wyoming [Mr. WARREN]. I transfer that pair to the senior Senator from Oklahoma [Mr. GORE] and vote "nay."

The PRESIDENT pro tempore (when Mr. SAULSBURY's name was called). I have a general pair with the senior Senator from Rhode Island [Mr. COLT], which I transfer to the senior Senator from Nebraska [Mr. HITCHCOCK] and vote "nay."

Mr. SMITH of South Carolina (when his name was called). I have a general pair with the Senator from South Dakota [Mr. STEELING]. In his absence I withhold my vote.

The roll call was concluded.

Mr. CURTIS. I have a pair with the junior Senator from Georgia [Mr. HARDWICK], which I transfer to the junior Senator from New Jersey [Mr. BAIRD] and vote "yea."

Mr. FRELINGHUYSEN (after having voted in the affirmative). I should like to inquire whether the junior Senator from Montana [Mr. WALSH] has voted?

The PRESIDENT pro tempore. The junior Senator from Montana has not voted.

Mr. FRELINGHUYSEN. I have a general pair with the junior Senator from Montana. I transfer that pair to the senior Senator from Minnesota [Mr. NELSON] and will allow my vote to stand.

Mr. SMITH of Maryland (after having voted in the negative). I have a general pair with the senior Senator from Vermont [Mr. DILLINGHAM], who, I notice, is not present. I transfer that pair to the senior Senator from California [Mr. PHELAN] and will allow my vote to stand.

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Connecticut [Mr. BRANDEGEE] with the Senator from Tennessee [Mr. SHIELDS];

The Senator from West Virginia [Mr. GOFF] with the Senator from Oklahoma [Mr. OWEN];

The Senator from Illinois [Mr. SHERMAN] with the Senator from Kansas [Mr. THOMPSON];

The Senator from Michigan [Mr. TOWNSEND] with the Senator from Arkansas [Mr. ROBINSON]; and

The Senator from Pennsylvania [Mr. KNOX] with the Senator from Oregon [Mr. CHAMBERLAIN].

Mr. LEWIS. I wish to announce that the Senator from Oregon [Mr. CHAMBERLAIN] and the Senator from California [Mr. PHELAN] are detained on official business.

The result was announced—yeas 28, nays 40, as follows:

YEAS—28.

Borah	Hale	Lodge	Penrose
Calder	Harding	McCumber	Polindexter
Cummins	Johnson, Cal.	McLean	Smoot
Curtis	Jones, Wash.	Moses	Spencer
France	Kellogg	New	Wadsworth
Frelinghuysen	Kenyon	Norris	Watson
Gronna	Lenroot	Page	Weeks

NAYS—40.

Ashurst	Jones, N. Mex.	Pittman	Smith, Ga.
Bankhead	King	Pollock	Smith, Md.
Beckham	Kirby	Pomerene	Sutherland
Culberson	Lewis	Ransdell	Swanson
Fletcher	McKellar	Reed	Thomas
Gay	Martin, Ky.	Saulsbury	Trammell
Gerry	Martin, Va.	Shafroth	Underwood
Henderson	Myers	Sheppard	Vardaman
Hollis	Nugent	Simmons	Williams
Johnson, S. Dak.	Overman	Smith, Ariz.	Wolcott

NOT VOTING—28.

Baird	Goff	McNary	Smith, Mich.
Brandegge	Gore	Nelson	Smith, S. C.
Chamberlain	Hardwick	Owen	Sterling
Colt	Hitchcock	Pheasant	Thompson
Dillingham	Kendrick	Robinson	Townsend
Fall	Knox	Sherman	Walsh
Fernald	La Follette	Shields	Warren

So Mr. SMOOT's amendment to the amendment was rejected.

PUBLICITY OF PEACE CONFERENCE PROCEEDINGS.

Mr. BORAH. Mr. President, I trust the Senator in charge of the census bill will pardon me for occupying the time of the Senate very briefly.

If the press reports from Versailles are correct, although I ought to say that all the press reports which come from that point begin by saying, "It is understood," or "It is supposed"—but if they be correct, the first point of the 14 points of the President is now up for consideration. I do not think that the Senate, a part of the treaty-making power, ought to permit it to pass without some consideration. I am perfectly aware that there are those who differ with me, but I regard it as one of the most vital propositions before the Congress, and we at least ought to permit it to be known that we are in full sympathy with the views of the American delegation with reference to publicity in the proceedings at Versailles.

I can not say, Mr. President, that it is a surprise that a movement has been inaugurated in favor of secrecy, and yet I had supposed from the announcements, not only in this country but in Europe, that more consideration would be given to the question than seems to have been given to it. It seems to have been disposed of without much discussion. I feel it is worthy of comment here.

When the President delivered his address to Congress upon the 8th of January, the first proposition looking to the permanent peace of the world read as follows:

Open covenants of peace, openly arrived at, after which there shall be no private international understandings of any kind, but diplomacy shall proceed always frankly and in the public view.

There can be no possible construction placed upon this language other than that it was intended to cover just such proceedings as are now being initiated at the peace conference.

Open covenants of peace—

Had the statement stopped there, it might be said that it was intended to cover the simple proposition of publishing the covenants of peace after they had been negotiated and concluded; but the President was careful to say:

Open covenants of peace, openly arrived at.

And the question now is whether or not that proposition is to be utterly discarded and disregarded in the proceedings at Versailles.

It would seem that they have practically concluded upon a program adverse to this proposition. I read a part of the article which appeared in yesterday's New York Times:

After all that has been promised concerning open discussion in the making of peace, steps were taken at to-day's session of the interallied conference which show that the whole intent is to keep the people of the world in the dark as to what is going on behind the closed doors of the Quai d'Orsay. The representatives of the five great powers adopted a resolution that nothing about their deliberation be disclosed except what was contained in the co-riously daily communiqués.

Some of those connected with the conference construe the resolution as meaning that they are to be barred from seeing members of the press.

The whole spirit of the action taken is contrary in every respect to the assurances given to the American people, and already a feeling of discouragement and indignation is displayed among newspaper representatives from allied countries. The British correspondents made a formal protest, which was backed immediately by the American correspondents.

No disclosure has yet been made as to who was responsible for this amazing procedure, and I prefer to withhold a statement until I am more fully informed. The fact remains that the resolution must have been supported by the delegates of at least three powers, which shows how little the doctrine of open covenants, openly arrived at, prevails among those who are engaged in settling the destinies of the world.

Outside of this new and most serious cause for complaint the American correspondents feel that they are not getting a square deal in obtaining information from the American delegation. The daily conferences between the correspondents and members of the delegation are unproductive in every way, and the conclusion has been forced upon the correspondents that the only source of news concerning American participation in the peace negotiations is the President, who is inaccessible.

In spite of condemnation while the war was on of the secret methods prevailing at the Congress of Vienna, the conclusion is being forced upon observers here that this conference is the Congress of Vienna over again.

There is an Associated Press dispatch in this same paper, following that article, which I will ask to have inserted in the RECORD without reading.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is as follows:

PARIS, January 15, 1919.

The question of whether the peace conference is to be secret or wholly open to the eyes and ears of the world, the settlement of which has been long awaited, was brought to a focus to-day when it was announced that an agreement had been made to confine the information given to the public to a daily official communiqué and that a gentleman's agreement prevailed among the delegates not to discuss or in any way give information of the meetings in the foreign office.

No written official announcement of this purpose was issued, but word was passed out to this effect, and it was followed by an explosion which quite drowned out the doings of the peace commissioners.

The understanding is that the American and British delegates opposed this decision, but that the French, Italians, and Japanese, voting together, prevailed.

The British newspaper correspondents immediately joined in a memorial of protest, which they put before Premier Lloyd George. The American newspaper correspondents united in what is virtually a round robin to President Wilson, in which they protested in measured terms against the decision, and reminded the President of that one of his 14 points which specifies "open covenants of peace, openly arrived at."

The memorial was before the President to-night, and there is every reason to believe that such a storm has been raised as will force the question before the meeting again before the actual sessions of the peace conference begin on Saturday morning.

The question of whether the meetings are to be open or closed has been smoldering for several days. It is associated with conditions which have surrounded the lack of method in making public what has actually been going on in conference for the last month. The American newspaper correspondents, of whom there are about 100 here to report the peace proceedings, have been received in daily audience by the American commissioners under the stipulated conditions that what was developed was solely for their guidance and not to be reported as bearing the stamp of authority or coming from the mission.

The American delegates are indignant at what they regard as a breach of faith on the part of some persons who were admitted to the informal discussions they have been holding daily with newspaper men. These conferences were inaugurated immediately after the delegates arrived in Paris to keep correspondents properly advised of developments further than that given in official communiqués.

At the outset it was stipulated that nothing communicated to the correspondents during these conferences should be credited to official sources, the restriction being so severe as to prohibit the customary intimations as to sources, so that whatever a correspondent elected to write should be stated on his own responsibility.

Despite this a statement of informative character, made by Secretary of State Lansing to the newspaper men, appeared in some French newspapers, directly or indirectly attributed to him. It was made more embarrassing to the American delegates because the publications appeared in newspapers opposed to the present French Government.

Because some statements, used in this manner, related to subjects like the denial of the plan to use American troops in Poland, which is understood to be favored by the Clemenceau government, but is opposed by the Socialists, the American delegates felt they were in danger of being involuntarily dragged into the complications of French factional political conflicts.

At the request of the American delegation the correspondents have undertaken to adopt disciplinary measures and to require a separate understanding from each of their number to observe restrictions imposed regarding news use of matters discussed at these conferences in order to prevent further complications and, perhaps, the termination of the present confidential relations between the delegates and the newspaper men.

Mr. BORAH. Mr. President, I observe by the press dispatches that the President has taken up this matter and that it may be reopened for consideration, and it is indicated in the press dispatches this morning that the ultimate result may be open sessions of the conference. It is by reason of this last item in the news that I felt disposed to say a word, because I should like to have the President know and to have the delegates representing this country at the conference know that the great majority of the American people expect that those proceedings shall be open and that all the details of substantial matters shall be made known as the congress proceeds in its deliberations.

Secret diplomacy has left the germ of conflict and of war in every great peace congress which has convened in the last 250 years. There has not been a single peace congress at which nations have met for the purpose of adjusting the troubles of any particular portion of the world but that there have been left for future contention, suspicion, prejudice, and feeling those things which resulted from secret negotiations and secret proceedings. If we are proposing to take a correct and accurate step toward permanent peace, the people who fought and won this war must know the conditions upon which it is being settled. It will be a distinct discouragement, not only to the people of this country but, I venture to say, to the masses the world over, if at the first initiatory step the same old practice of absolute government is reinaugurated and readopted by a congress which comes together as a result of a fight to make the world safe for democracy.

I venture to read a paragraph from Lord Northcliffe, who, I presume, will not be considered as uninformed in regard to these matters or uninstructed as to the wisdom of the course proper here to be pursued. He says:

Nothing can be worse for the prospects of the coming conference than an atmosphere of secrecy and half truths. Yet up to the present there has been no official statement that the momentous meetings about to take place will be held in accordance with President Wilson's expressed views on the question of open diplomacy.

DAYS OF SECRET CONCLAVES GONE.

The days of secret conclaves are dead and gone. Clandestine assemblies are the harbingers of intrigue, suspicion, and possible deception. It would be intolerable that the fate of whole nations, great and small, should be decided in secret. Shall the destinies of millions of peoples in all quarters of the globe be left to the tender mercies of a comparative handful of delegates, against whose enactments there is no public appeal? Such would be mockery of that principle of self-determination of free nations which has been fought for and won in this war.

Labor, upon which the great losses of life during the war have mainly fallen, is alarmed at the prospect of great world plans being carried out without its knowledge. It is reported from London that the Labor Party has sent a strong protest to our Government, which so far has done nothing to allay public anxiety on the subject.

I ask leave also to have inserted in the RECORD an editorial from the Philadelphia Public Ledger.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is as follows:

[From the Philadelphia Public Ledger, Nov. 14, 1918.]

OPEN THE DOORS OF THE PEACE CONFERENCE—CEMENT THE PEOPLE'S VICTORY WITH A PEOPLE'S PEACE—WILL PRESIDENT WILSON GO?

There is not an American who does not understand that our victory has been won and the tragic price paid solely that "government of the people, for the people, by the people, shall not perish from the earth." Every American soldier dead in France laid down his life for that purpose, sustained and comforted by our tacit pledge that we would make very sure that his supreme sacrifice was not in vain. He died—the soldiers of our allies died—to substitute democracy for autocracy as mankind's dominant method of government.

Henceforth the people rule—that is that healing message, if we have not all been deceived, that the winged Victory of this electric age carried round the world like a swifter Ariel after the armistice was signed. All the wicked, blinding, betraying, tyrannous treacheries of autocracy were swept away by the allied guns. Sinister plottings, secret intrigues, backstairs bribes, and double-dealing diplomacy with its soft voice and its serpent's heart, all the subterranean methods of autocracy, buying and selling peoples like cattle or sending them to the shambles for quarrels they neither shared nor comprehended—all are to vanish at the dawn of this new day like the miasma of a fetid swamp.

The peoples of the world are to rule as the peoples of these United States rule; and the corner stone of popular rule everywhere is free and public discussion.

Would we think we had popular rule in America if the sessions of Congress were habitually secret?

There are secret sessions of the Senate for the discussion of our foreign relations, which only means that, when even a democratic people must do business with Governments who traffic in secrecy, that people can not always play its hand, face up, on the table. But matters appertaining strictly to the government of the people of the United States are commonly discussed in public, and all important decisions are taken in public. We would never dream of tolerating any other system. The legislature of a free people can not be a secret society, with tiled doors and publicity prohibited.

Neither can the legislature of an association—a wider United States—of free peoples. Publicity is the very breath of life of popular government.

There will assemble in Europe presently a legislature of free peoples. None others are to be admitted. No autocracy need apply. It will be termed a peace conference, but its business will be to legislate regarding the most fundamental matters affecting the future happiness, security, and prosperity of practically all the free peoples of the world.

SHALL IT SIT BEHIND CLOSED DOORS?

If it does, what becomes of President Wilson's spirited, repeated, and perfectly proper protests against the ancient evil of "secret diplomacy"? This peace conference, remember, will not act for a number of autocratic governments, scornfully ignoring their own peoples, bartering away their rights and fixing their destinies behind their backs. It will act for the peoples themselves, and its every decision must be ratified by these peoples if it is to stand. For the first time in history a great treaty of peace, intimately touching many nations and remaking the maps of three continents, will be written by the plain people of the world and not by their irresponsible rulers, with their retinues of devious diplomats and professional political panders.

It goes wholly without saying that such a peace conference should be wide open to its masters and creators, the ruling democracies whose decrees it will register. It should be as open as Congress, as the public courts, as most parliaments of self-governing nations. Every session should be open. All the debates and deliberations should be public. We should not only know what it does but why it does it. Still more important, we should know in advance what it thinks of doing, so that we can protest, agree, suggest changes.

The suggestion comes from Washington that President Wilson may attend in person this peace conference of unprecedented import and endless possibilities. It is a proposal which will have the unanimous support of the allied world, and would make a special appeal to the forward thinkers, the war-weary toilers, the passionate believers in democracy, everywhere. They would feel that their foremost champion was at the peace table. They would fear the insertion of no autocratic or militaristic "joker." In the conditions on which the permanent banishment of war is to be built, Americans will favor the idea most warmly if they can be assured that the vitally important business of their own Government can be arranged for in the absence of the Chief Executive. They will not take very seriously any sentimental tradition against the President leaving American territory during his term of office. Where our soldiers have died for liberty is "American territory" forever. This world-war into which we have been drawn has weakened the boundaries of precedent; and, as John Wesley put it, made "the world our province."

If President Wilson attends the conference, and possibly presides at its sessions on the invitation of all the allies, there will surely be no question about the "open door." That is one of his firmest, soundest principles. He will never consent to do the people's business in matters of such paramount importance out of the hearing of the peoples affected. He will never participate in and perpetuate by a commanding precedent that hoary evil which has sown suffering throughout humanity for a thousand years—"secret diplomacy."

Nor will the people of this free country permit it, if they have the power to prevent it. In this regard, they will be unanimously "behind the President." We hope the President will go. We hope that he will persuade this first peace conference of victorious democracy to deliberate, debate, and make its momentous decisions in full daylight.

Mr. BORAH. Mr. President, it is the same old story. When the Vienna Congress met, or was about to meet, there was the fullest assurance that the proceedings would be open to the world. There was the fullest assurance of the widest and most humanitarian consideration of all matters relating to the public ends. But scarcely had they met in that famous city when Metternich began to urge the necessity of secrecy in their negotiations; and, master of diplomacy as he was, he finally succeeded in closing the doors of the Vienna Congress to the outside world. Every student of history knows that inside those doors were written the secret treaties over which the world has been waging war from time to time ever since. It is not too much to ask, in view of the sacrifices which have been made and the tremendous results depending upon the action of this congress, that the world at large shall know its proceedings, and that the doors shall be open to all the world.

Mr. WILLIAMS. Mr. President, I am glad to hear words of commendation for the President of the United States in the hard fight that he is making in Europe. I am glad that at least one voice has gone up on the other side of this Chamber to hold up his hands instead of pulling them down. He has a hard fight to make, not only in behalf of the publicity of negotiations but in behalf of a great many other things as well.

I note with a great deal of pleasure that the Senator mentions the fact that the two great English-speaking peoples have announced themselves in favor of making public the steps of negotiation as they go on. Of course, that does not mean that every private conversation between two or three men shall be published in the newspapers; but it does mean that everything arrived at, step by step, shall be communicated to the enlightened sense of the world.

I agree with the Senator from Idaho that there is nothing better calculated to keep the peace of the world than to let the intelligence of the world know what the diplomats of the world

are doing. That is what President Wilson wants. That is what David Lloyd George wants. But the Senator ought not to be astonished at continental Europe after a thousand years of mistreating in regard to these things. Even republican France is a little bit doubtful about allowing all the steps of diplomatic procedure to go to the public.

The Senator must remember that they have not a public which they can trust, as we have and as the English have. They have some reason to be more distrustful of their public than we have. I have no doubt that before this is over—in a few days, indeed—all the substantial steps taken in that conference will be communicated to the public fully, and that we will overcome the continental distrust of its public. We have no distrust of ours, because it has proven itself worthy of trust for years and years. The British have no distrust of theirs; but the Senator and I both ought to remember that we have "to make allowances," as the darkies say, for people who are not situated as we are. So that I think you can deal with some degree of charity with the late decision which evidently was pronounced by the non-English-speaking races at the conference.

Wherever English goes, publicity may go. Wherever the language of Shakespeare and of Milton can go, men can trust one another to speak plainly, so that open negotiations can be effected.

But the Senator must remember that there is only one language of Shakespeare and Milton so far as he and I know, and that it is not true of all the other people in the world that they can trust their public so considerably as we can ours. I think it is about time we were coming to the conclusion that the time has arrived even with them, and I agree with the Senator; but the Senator must make allowances for the fact that they are slow to arrive at that conclusion because their past history has not justified it.

I am glad, indeed, that the Senator rose to uphold the hand of Woodrow Wilson in the rough tussle he is having in Europe, upon this particular question at any rate, and I hope that what he has said will have some effect in Paris, if it is read there. I do not know whether what he and I say here will be read there or not, but it might be. Perhaps the President might find it to his interest to quote it, and if he does I hope it will have some effect, especially upon the French. I do not understand the French position, because they, too, have arrived at a stage of civilization where they can trust their public if they will. Clemenceau can trust his public if he just has the courage to do it, and all the help we have got to have is his, and then we will make these proceedings public to the common conscience and common sense of the democratic world.

Mr. LEWIS. Mr. President, I make bold to offer a suggestion in accordance with the sentiment expressed by the Senator from Idaho [Mr. BORAH] and the Senator from Mississippi [Mr. WILLIAMS]. However, I view an aspect with more seriousness than seems to be at present in the mind of either of the able Senators—at least one that they have not expressed, if they feel it.

Mr. President, if there is any force of Europe or of any other nation sitting about the peace table which shall be able to overrule the President of the United States in his first effort of his first undertaking to obtain the first principle, merely publicity in the proceedings, I warn that force they will by their conduct reopen the conflict. They will precipitate anew more war; and, sir, it will be because every little nation aspiring to have its rights ascertained and declared, every people of that nation seeking to have their liberties acknowledged, will believe that that first move of enforced secrecy is with the object of defeating them; that its purpose in hiding the declaration, the deliberation, and the decision is to work a secret conclusion against their contentions. While such secrecy is pending these people will be the first out of that very suspicion suggested by the Senator from Mississippi—through the ignorance of people who, heretofore unacquainted with the methods of diplomacy and previously never trusted with its course, will suspect the object—and, as the Senator from Idaho most aptly expressed, those in Europe will at once conclude that all the promises that have heretofore been made on this subject at the very outset are decided to be ignored or betrayed. If that moment really comes, these lesser nations will not await the second decision. They will decide then and there that they shall protect themselves.

Remember, sir, their soldiers rest on arms. Their tents are filled with smoking explosives and their weapons are still the companions of these fighters. The purposes for which they went into this war will burn in their hearts and flame in their minds. We shall have another outbreak from these little people to protect themselves at once by obtaining possession of the disputed ground and premises which it claims, because they

will decide that this first move of secrecy is against them. They will conclude that however sincere the President was to protect them, yet his very first movement was circumvented and defeated by numerical majority on the one hand and the inheritance from the methods of the Congress of Vienna on the other.

Mr. President, for that reason let these people who would not hearken to the counsel of the President of the United States beware. The temper of the soldier in Europe—American, English, French, indeed of every nationality, waiting to be released, hoping to return to his home—is baffled, fancying himself deceived, is in a disposition that is not well to trifle with.

It was that returning soldier of the legions of Pompey, Caesar, and Rome who, when he did return to Rome, burning under disappointment and believing that he had been tricked by the consuls, seized possession of the imperial country and visited upon that empire the devastation that 50 years did not remedy. It was that offended soldier under Napoleon, returning to France, who fancied he had been tricked by those who had been returned to government, who became the commune of France, property was destroyed, life was decimated, civilization was aflame, and a devastated form of all organized life was the only relic which the eyes of three generations could afterwards behold.

Therefore, sir, not only must these peace commissioners, whoever they are, understand that this body and this American people is behind the President of the United States in this his very first undertaking, but they will, sir, construe the movement of opposing him as the first proof of the enmity on the part of those who oppose him and evidence of their opposition to the purposes of America. From that moment every other step these commissioners will take will be under the cloud of suspicion and distrust from all people. Let them know it.

Mr. President, there is a second thought, however, which I beg to impose upon the consideration of my very able friend, the Senator from Idaho, and the Senate and ask consideration of it. As much as we would care to have the European commissioners understand that we are behind the President—and in this respect many Senators on the other side who have never yet spoken can be depended upon when the time comes to give him full support upon this phase, sir—as much as we may hope that the foreign commissioners may be impressed by our attitude, and as greatly as we felicitously dwell on the prospect of influencing them for their own conduct and for the success of their deliberations, let this other thought, however, be uppermost with us, I pray you. Woodrow Wilson, the President of the United States, has assured the people of the United States, not only in the declaration read by the Senator but in four speeches made yonder in Europe, speaking with the solemnity of his position, that the publicity of these proceedings shall be assured to the public of the United States; that the public of the United States shall know what transpires. He has assured you and the country that there shall be no censorship upon the cables, as far as we can prevent that; that there shall be no censorship upon the report of the proceedings, as far as we can prevent that.

Mr. President, it is the duty of the President of the United States to prove to the people of this country that he is keeping faith with the promise he made them. We can not permit the commissioners of Europe or any other power in the world to put President Wilson in the position where he may be charged with intentionally deceiving his own people or being unable to keep faith with them without betraying the source of the responsibility. We will let no delicacy growing out of past associations with either ally or enemy close our mouths to the full and complete explanation to America of whoever is the source which we will regard as either violating the faith we owe to our country or deceiving in their conduct the promise to the President of the United States.

If the President of the United States shall in this one material necessity of mere publicity to his own people of the thing he is doing in their behalf fail to keep that covenant, he will awaken suspicion in the hearts of all those in his own land and from that moment stand weakened in his place. He knows that. We know that.

Therefore, Mr. President, the very first and supreme duty, as I see it, is that we shall give him support in every way, that he may keep faith with his own people, that they may never have occasion to suspect the sincerity of his purpose or doubt the devotion of his duty.

For that reason, Mr. President, I happily, sir, concur in the sentiment of the Senator from Idaho; I rejoice in the gladness of the Senator from Mississippi; but I add other reasons of more solemn character, from my position, so that the President's word to his own country must be kept, and knowing him as we

do, we feel that from him can come the expression of the just man of the Merchant of Venice:

My word once given forth shall not be recalled.
Shall I lay perjury to my soul? No; not for Venice.

Mr. JOHNSON of California. Mr. President, I want to add what little I can to what has been said by the Senator from Idaho [Mr. BORAH] so well of that which at the very outset of the peace negotiations becomes of transcendent importance. I wish to add one thought to what he has said, bringing home, it seems to me, more clearly, even though not in his forceful language expressed, just what this means.

In January, 1918, the President stated his 14 points. They have become since that time somewhat famous. Every nation on the face of the earth has accepted those 14 points of peace as laid down by the President of the United States, with the possible exception of one, into which we need not go at this time. In accepting those 14 points of peace which the spokesman of the United States gave to the world, the first was, as has been adverted to here again and again, "open covenants of peace, openly arrived at."

Yet at the very instant when the peace conference assembles in Europe the first of these covenants of peace accepted by every nation on the face of the earth is deliberately violated, and instead of open covenants of peace, openly arrived at, we are given, and the world is given, the same old deceptive secret diplomacy, and our only news is a communique, which we know from experience of the past four years is made merely to cover up what has been done, and which does not state at all the facts of what is transpiring.

So the matter becomes of importance, not only to the President there, and enlists all of us in his support, but it becomes of importance, too, to the whole Nation, which has accepted these 14 covenants concerning peace, the first of which in the very initial meeting of the peace conference is discarded.

So, Mr. President, I think if I had the power, if this sort of thing be persisted in for the next two or three days, some affirmative action should be taken by the Senate, something by which we may say affirmatively here that we insist, as a part of the treaty-making power, that there shall be open discussion, or at least information daily given out of all that is transpiring, that the truth shall be known to all our people.

There is another aspect of this thing that appeals to me, too. It is humiliating and it is irritating to me to have the President of the United States bottled up in any kind of conference. It is humiliating and it is irritating to me to have our President enmeshed in the entanglements of secret European diplomacy, and to have him sitting there as a member of a conference, with his lips sealed by agreement of the conference, and unable to say to the people of the United States and to the Government of the United States what is there transpiring, and compelled by vote of those sitting with him to refrain from communicating with our people. If the President shall fight his way through this peculiar entanglement and this mesh of secret diplomacy of Europe, I will be very glad to lend him such humble support and give him such cheer as can be given by one Member of this body.

It emphasizes, after all, in the last analysis, the necessity for what has been suggested upon this floor of an American policy, and an American policy respecting all that is transpiring across the water to-day. I hope that out of it will come one thing at least—a policy which will consider America first; that with the least possible delay the men in khaki who represent the United States across the sea will be brought home and brought home at the earliest possible moment. I hope that out of it, too, will come the determination on the part of the Senate and the Government of the United States to leave to other nations, the nations beyond the sea, the policing of the world hereafter, and that will give us the definite policy to bring home our troops, wherever they may be, as soon as our present obligations shall have been fulfilled.

THE CENSUS.

The Senate resumed the consideration of the bill (H. R. 11984) to provide for the Fourteenth and subsequent decennial censuses.

The VICE PRESIDENT. The question is on concurring in the amendments made as in Committee of the Whole.

The amendments were concurred in.

Mr. SHEPPARD. There are some minor amendments that should be adopted. On page 12, line 11, between the word "of" and the word "census," insert the word "the."

The VICE PRESIDENT. Section 10 is out of the bill.

Mr. SHEPPARD. It is a minor correction, anyway.

The VICE PRESIDENT. It can be amended by the conferees.

Mr. SHEPPARD. It is an unimportant change, and doubtless will be attended to in conference. What other sections were amended by the France amendments?

The SECRETARY. Sections 1, 2, 8, 9, and 10.

Mr. SHEPPARD. In section 12, line 4, page 15, the word "provision" should be "provisions."

The VICE PRESIDENT. That amendment will be agreed to.

Mr. SHEPPARD. In section 15, line 3, the word "commission" is misspelled; the letters "i" and "s" should be transposed.

The VICE PRESIDENT. The amendment will be agreed to.

Mr. SHEPPARD. On page 22, in line 6, I move to strike out the word "or" before the word "clerk," the last word in the line.

The VICE PRESIDENT. The amendment will be agreed to, without objection.

Mr. SHEPPARD. In line 7, insert a comma after the word "employee."

The VICE PRESIDENT. The amendment will be agreed to, without objection.

Mr. SHEPPARD. That is all.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. SHEPPARD. I move that the Senate request a conference with the House on the bill and amendments and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. SHEPPARD, Mr. ASHURST, and Mr. LA FOLLETTE conferees on the part of the Senate.

SALARIES OF JUDGES.

Mr. OVERMAN. I move that the Senate proceed to the consideration of the bill (H. R. 12001) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

The motion was agreed to, and the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Judiciary with amendments.

Mr. JONES of Washington. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Johnson, S. Dak.	Myers	Smith, Ga.
Beckham	Jones, N. Mex.	New	Smoot
Borah	Jones, Wash.	Norris	Sutherland
Calder	Kellogg	Nugent	Swanson
Cummins	Kendrick	Overman	Thomas
Curtis	Kirby	Page	Trammell
Fletcher	Knox	Penrose	Underwood
France	Lenroot	Pittman	Vardaman
Frelinghuysen	Lewis	Polindexter	Wadsworth
Gay	Lodge	Pollock	Warren
Gronna	McKellar	Pomerene	Watson
Hale	McLean	Ransdell	Weeks
Harding	McNary	Saulsbury	Wolcott
Henderson	Martin, Ky.	Sheppard	
Hollis	Martin, Va.	Simmons	
Johnson, Cal.	Moses	Smith, Ariz.	

Mr. SUTHERLAND. I desire to announce the absence of my colleague [Mr. Goff] on account of illness.

Mr. THOMAS. The senior Senator from Missouri [Mr. Reed] is necessarily absent.

The VICE PRESIDENT. Sixty-one Senators have answered to the roll call. There is a quorum present.

Mr. SMITH of Georgia. Mr. President, the pending bill, coming to us from the House of Representatives, has been carefully considered by the Judiciary Committee of the Senate and by a subcommittee of the Judiciary Committee. The bill was the subject of lengthy investigation by the Judiciary Committee of the other House before it was reported to the House.

For a long time it has been realized that the judges of our United States courts have been inadequately compensated for their services. There has been a general belief that there should be some increase in their salaries. The House Judiciary Committee reported a bill based upon the plan of making the minimum pay of the district court judge \$6,500, with an increased salary based upon the population of the district, the minimum salary of the circuit court judge \$7,500, with the maximum salary \$1,000 in excess of the largest salary of the district court judge in the circuit. The House modified the bill, and made the salary of the district court judges \$7,500 and of the circuit court judges \$8,500. The subcommittee of the Judiciary Committee and the Judiciary Committee of the Senate have blended the House action and the action of the House Judiciary Committee. We have

made the minimum salary of a district court judge \$7,000, with a maximum of \$9,000, and the minimum salary of a circuit court judge \$8,000, with a maximum of \$10,000, and we have provided that in districts of over a million and a half inhabitants there may be an increase of salary of the district judges to the maximum of \$9,000, and we have placed the salary of the circuit court judges \$1,000 beyond the salary of the district court judges. This is substantially the bill.

The House also increased the compensation of the judges of the Court of Claims. The Senate Judiciary Committee has increased, also, salaries of judges of the Supreme Court of the District of Columbia and judges of the Court of Appeals of the District.

The bill further provides a measure that it is believed will be very helpful to our Federal judiciary. Now, at 70 years of age, with 10 years of service, a district or circuit court judge can resign with full pay for the remainder of his life, but he is removed entirely from any class of work upon the bench. There have been many instances in which judges of both of those courts have felt entirely able to do nearly full work, but not quite full work, and they have hesitated about resigning, because they felt, though entitled to full compensation after resigning, that they wanted to do something; that they wanted to serve. This bill allows a judge who is entitled to resign, instead of resigning, to retire, and thereafter he may be assigned to work and can do all the work that his physical condition still makes it practicable for him to do.

Mr. WARREN. Mr. President, may I interrupt the Senator from Georgia?

Mr. SMITH of Georgia. Yes.

Mr. WARREN. The Senator from Georgia has explained that now at 70 years of age, after 10 years of service, a judge may retire and receive his full pay during the balance of his life. I understand that the bill provides that in the case of inability of a judge who has not retired and who is 70 years old there can be another judge appointed for his district; but I do not understand—and I will ask the Senator from Georgia to explain his idea of the matter—the intention of the bill, whether it is the intention to appoint, whether or no, another judge in a district before the sitting judge has retired, although he may be perfectly able and perfectly willing to do the work of his district.

Mr. SMITH of Georgia. That is not the intention at all, and that can not be done under the provisions of the bill.

Mr. WARREN. I concluded that under the language of the bill it could not be done unless it were done in a rather radical way.

Mr. SMITH of Georgia. It could not be done. The bill carefully guards that. Only when the judge is physically and mentally permanently unable to perform efficiently all the duties of his office can the additional judge be appointed unless the sitting judge voluntarily retires.

Mr. WARREN. I desire to ask the Senator, with his permission, a question on another branch of the subject. As I understand the bill—unintentionally, of course—I assume an injustice would be done to judges of the courts here in Washington. When it is undertaken to apply the rule of population and it gets into the millions, of course you have not suitable units of measurements. The consequence is that under this bill, if it is not amended, we are dooming those judges who have a very great deal of business to do, and especially as to the court of appeals, which I believe has one-third of the amount of all the business of all the circuits of the United States—we are dooming all of those to the minimum salary with no chance of advancement. Consequently, though they are doing more work than judges of the other courts, they will be getting far less salary. I think the Senator from Georgia must have observed that, and I trust when amendments are offered—I have one which I intend to offer—that they may be considered on their merits.

Mr. SMITH of Georgia. Mr. President, I think this question should be considered on its merits. I have been thinking about the provision with reference to the plan of compensation for the judges of the Supreme Court of the District of Columbia and the judges of the Court of Appeals of the District of Columbia, and I hardly think it meets the situation. The judges of the Supreme Court of the District are practically district judges and judges of the Court of Appeals of the District are practically circuit court judges. When we undertake to apply to them the population rule, it can not give them any increase beyond the minimum salary, and yet I believe it is true that the judges of the Supreme Court of the District of Columbia and the judges of the Court of Appeals of the District of Columbia do a vast amount of most important work. I shall be glad to listen to any amendment that is offered; and if my colleagues on

the Judiciary Committee who are upon the floor at that time do not object, I shall offer no objection.

I ask now that the bill be taken up for committee amendments, and as we reach section 3, which applies to the judges of the Supreme Court of the District of Columbia and the judges of the Court of Appeals of the District, I shall be glad to stop to hear amendments or substitutes from the floor of the Senate.

Mr. JONES of Washington. Mr. President, I wish to inquire if the Senator is asking unanimous consent that the committee amendments shall be first considered?

Mr. SMITH of Georgia. That is my request.

Mr. JONES of Washington. I can see a good reason why that should be done in the case of appropriation bills, but I do not think it ought to be done in the case of bills of this character. I have no amendment to offer myself, but I shall object to any unanimous consent requiring the disposition of committee amendments before any other amendment is considered.

Mr. SMITH of Georgia. Then, without the exclusion of other amendments, I ask that we proceed for the present to consider committee amendments.

The VICE PRESIDENT. The Secretary will read the bill.

The Secretary proceeded to read the bill.

The first amendment of the Committee on the Judiciary was, in section 1, page 1, line 6, after the word "amended," to insert the words "so as," so as to read:

That section 2 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, be, and the same hereby is, amended so as to read as follows:

The amendment was agreed to.

The next amendment was, on page 1, after line 6, to strike out:

"SEC. 2. Each of the district judges shall receive a salary of \$7,500 a year, to be paid in monthly installments."

SEC. 2. That section 118 of the act aforesaid be, and the same is hereby, amended to read as follows:

"SEC. 118. There shall be in the second, seventh, and eighth circuits, respectively, four circuit judges; in the fourth circuit, two circuit judges; and in each of the other circuits, three circuit judges, to be appointed by the President, by and with the advice and consent of the Senate. They shall receive a salary of \$8,500 a year each, payable monthly. Each circuit judge shall reside within his circuit. The circuit judges in each circuit shall be judges of the circuit court of appeals in that circuit, and it shall be the duty of each circuit judge in each circuit to sit as one of the judges of the circuit court of appeals in that circuit from time to time according to law: *Provided*, That nothing in this section shall be construed to prevent any circuit judge holding district court or otherwise, as provided for and authorized in other sections of this act."

And insert:

"SEC. 2. The salaries to be paid to the district judges shall be \$7,000 per annum, except that in districts having a population of over 1,000,000 the district judge or each of the district judges appointed for those districts, respectively, shall receive annually additional compensation at the rate of \$500 for each half million of population or part thereof in their respective districts in excess of the first 1,000,000, which additional compensation, as the same may be ascertained, as aforesaid, in the said several districts, respectively, together with said sum of \$7,000, shall be the annual salary payable to the district judge or each of the district judges in such districts, respectively: *Provided*, *however*, That the salary of any district judge appointed for more than one district shall be determined on the basis of the aggregate population of the districts for which he is appointed. Such salaries shall be paid in equal monthly installments, beginning on the first day of the month next following the approval of this act, and the amount to be so paid in the several districts, under the provisions of this act, shall be ascertained by the Attorney General of the United States from the last Federal census and certified by him to the proper disbursing officer or officers. As soon after the 1st day of January next succeeding the taking of any future Federal census as may be practicable any changes in such salaries due to changes in population shall be ascertained and determined by the Attorney General of the United States and shall become effective on and after the 1st day of July next following: *Provided*, *however*, That at no time shall the salary of any district judge be diminished during his continuance in office, nor shall the salary of any district judge at any time exceed the sum of \$9,000 a year."

Mr. THOMAS. Mr. President, there must have been, of course, some controlling reason actuating the committee in their recommendation of this section as a substitute for section 2 of the House bill; but I am unable, until I am better informed, to see any improvement which the proposed amendment makes over the House provision. Nor do I perceive the necessity of paying a district judge a higher salary because he lives in a district containing a population of more than a million, and thus regulating salaries on the basis of constituency or jurisdiction.

The State of Florida has two districts and, if I mistake not, three district judges. The State of Colorado, which is approximately equal in population to the State of Florida, having a population of approximately 1,000,000, has only one district judge. The work which the district judge of my State is necessarily required to do is very much greater than the work which is required in Florida, where the judicial force of the United States is at least double, and I think three times as large, and,

as the Senator from Illinois [Mr. LEWIS] suggests to me, exclusive of admiralty business, it is probably very much in excess of the usual business which now goes to the Federal courts; but the judge of my district, its population at the last census being a trifle under a million, notwithstanding that fact, will receive the identical salary which each of the three judges in the State of Florida will receive.

In your own State, Mr. President [Mr. KENDRICK in the chair], the population is less than half a million. The district judge of the State of Wyoming has a large business. I think I may safely say that, in proportion to the population of the State, he has as extensive a business to transact as can be found in any district in the United States. Certainly that is true in times of peace.

Mr. WARREN. May I add to what the Senator says, that that particular district judge, notwithstanding the great amount of work he has to do, is called upon to serve in other courts—courts about, or, in case of illness, and so forth, in adjoining districts.

Mr. THOMAS. Yes; that is true. He is the oldest district judge in the ninth circuit. While all comparisons are invidious, and I will not say he is the best of all the district judges in that district, I certainly am justified in saying that he is the equal of any judge within the district, both in his capacity for work and his experience upon the bench and his ability to transact business. He occupies, therefore, a place in the district where, under the terms of this proposed amendment, his salary can not under any circumstances exceed the minimum fixed in the bill. I use that instance by way of illustration of my doubt as to whether population is a proper basis for establishing the salaries of district judges.

Another reflection along the same line is this: In many—I will not say most, but in many—of the districts of the United States where the population is in excess of 1,000,000, two judges are appointed for the district. The Senator from Arizona [Mr. SMITH] some time ago, I think, succeeded in securing the passage of a bill providing for an additional judge in his district. The Senator from California [Mr. PHELAN] introduced and succeeded in securing the passage of a bill increasing the number of district judges in the district of which San Francisco is the center.

So that this proposed amendment, I think, works unjustly in both ways. It fails to recognize the vast amount of business transacted in comparatively small districts—that is, small on the basis of population—and at the same time it rewards judges, regardless of their number, where the population of the district to which they are appointed exceeds 1,000,000.

Mr. SMITH of Arizona. Mr. President, will the Senator permit an interruption along the line on which he is now speaking?

Mr. THOMAS. Certainly.

Mr. SMITH of Arizona. It strikes me, as the Senator says, that the mere fact of population has very little to do with the labor of the court. Take Arizona, for instance. Recently the Senate passed a bill providing for another judge there on the ground that it is a physical impossibility for the present judge to transact the business in Arizona—a State as large as three of the ordinary Eastern States, and with courts held at four different places. From the 14th of last March—I have not the data before me, as I gave it to the Representative of Arizona in the House for use there—but, speaking generally, I should be willing to make the assertion that there are few, if any, Federal courts in the United States that transact the business that that court in my State is compelled to transact.

Mr. THOMAS. And that, too, since the State went for prohibition.

Mr. SMITH of Arizona. That is true, although the Federal courts have very little to do along that line, as the State courts have jurisdiction.

I had the exact history of the record; but suffice it to say that the judge on the bench had on the docket in March some 350 cases—law, equity, and criminal. He has sat for five years without one week's real recess, and from the 14th day of last March up to last November he had disposed of some 500 cases, sitting often day and night; and yet he now has on his docket something like 600 cases. The effort to get another judge to help out seems to create the impression that we are trying to get some Democrat appointed to an office, and that is what has met me here and met me in the House. There is nothing in it.

I do not want to take the Senator's time, if I am intruding on him.

Mr. THOMAS. Go right ahead.

Mr. SMITH of Arizona. We have been attempting to get an additional judge for Arizona, but we can not.

It strikes me that the House bill is infinitely better than the Senate substitute. It made the salary of every one of these dis-

trict judges \$7,500 flat. That is little enough. The judge of my court has got to quit, or else he will simply ruin his health in an effort to keep the jails partly cleared, as well as he can, and save as much expense as possible to the Government.

That is the condition that the matter is in; and the flat \$7,500, as the House bill provided, strikes me as infinitely better. Under the Senate committee amendment the mere fact that a million men live in a district is to give a man a thousand dollars more for presiding over the court, instead of estimating the amount of business that the judge has before him. The expense of living is just as high or higher where we have to travel from place to place in the West as it is anywhere in the East; and estimating it on the basis of a mere population that has no Federal business, and fixing the additional salary on that basis, seems to me without any reason whatever. If it were put on the basis of the business the court transacts, that might produce a good many suits that otherwise would not be brought; I appreciate that. Therefore, it seems to me, the Senator's criticism is exactly right, that the House bill, with a flat \$7,500 salary, should not be objected to by anyone, with the amount of business that these courts have; and it strikes me that the House bill, without amendment, ought to be passed.

Mr. THOMAS. Mr. President, I think the position of the Senator from Arizona [Mr. SMITH] is justified by the facts which he has recited; but if the system of salaries for district judges proposed by this amendment be the sound one, the same principle should extend to the circuit court of appeals.

The eighth circuit, which comprises the State which I in part represent here, is the largest circuit in the United States, geographically; and while I am not able to state off-hand the population which is comprised in that circuit, it is certainly very large, and the business which is transacted by that circuit is greater than that of any other circuit in the country. That being so, and assuming that the population is larger, why should not each of the circuit judges for the eighth circuit receive a greater salary than will be paid to the circuit judges for, we will say, one of the southern or eastern districts—the second, third, or fourth?

There is surely a disparity in the populations of the circuits. There must be, in the nature of things, as there is geographically, and as there is also in the territory and the population of the United States judicial districts. So that the system is not symmetrical, it is not equitable, nor, in my judgment, is it consistent, unless the salaries to be paid to the circuit judges shall conform to and be regulated by the same basis.

I have the very highest opinion of the ability of the Senator having charge of the bill, and I know that he must have reasons which are conclusive to him, at least, for proposing these amendments to the House bill; but as far as I am able to judge until I am better informed, the House provision is far preferable, if we are to raise these salaries at all.

Mr. SMITH of Georgia. Mr. President, I can give to the Senate the reasons that influenced the subcommittee that investigated this question; and they are substantially the same reasons that influenced the Judiciary Committee of the House.

Take, as an illustration, the city of New York. We find our Federal judges there paid about half as much as the State court judges.

Mr. CALDER. Mr. President, if the Senator will permit me, one-third as much. We pay our supreme court judges \$17,500 a year.

Mr. SMITH of Georgia. The Senator from New York suggests that they are paid one-third as much.

Mr. THOMAS. Mr. President, that is true of New York; but in Colorado the salaries of the district judges and the circuit judges are both larger than the salaries which we pay to the judges of our supreme court, and we only pay \$4,000 a year to the judges of the district court.

Mr. SMITH of Georgia. Mr. President, I was wishing to indicate to the Senate the situation that confronted us, that led both of the Judiciary Committees to conclude that some recognition of salary based upon population was necessary.

Take the case in the city of New York, where the volume of business is immense, where the successful lawyer finds as a result of his efforts an income much larger than in smaller communities, and where the expenses of living are much greater. It was believed that some system ought to be adopted that would make it practicable to carry the salaries in New York, Philadelphia, Chicago, and a few other portions of the country, reasonably beyond the salaries in States like my own, or districts in which there are no large cities; and this plan of population was adopted. The House plan ran the salary of the circuit court judge up to \$11,000, and the salary of the district court judge to \$10,000. We restricted it so as to limit the circuit court judge to a thousand dollars less, and the district court judge to a thousand dollars less.

For a long time the same pay was not given to all of our district judges, or all of our circuit-court judges, before they became judges of the circuit court of appeals. The difference in volume of business and in the location was recognized, and the salaries varied. The salaries of our district attorneys now vary. The salaries of our collectors of internal revenue vary. So we felt that we were justified in following the view of the Judiciary Committee of the House, and, undertaking to make some provision by which in certain of the larger districts, where incomes were larger, where expenses of living were relatively somewhat larger than in the smaller districts, and the business larger, larger salaries should be paid.

Mr. CUMMINS. Mr. President, there is a great deal of reason in the suggestion made by the Senator from Georgia; but the trouble is that this standard does not accomplish his purpose altogether, or it accomplishes a good deal more than it. You take the district as a basis. Now, the same population in a State may be divided into two divisions. The judges do exactly the same business; they live under the same circumstances and in the same general community; yet in the one case the salary would be largely increased over the minimum, and in the other it would not be increased at all. That is the objection that I have to this standard.

Mr. SMITH of Georgia. Mr. President, I recognize the criticism which the Senator from Iowa places upon it. We do not submit this action without some doubt ourselves. We do not believe that we have certainly done the only thing that could be done; but we felt that we could, perhaps, come nearer obviating the difficulties in this way than in any other way. We felt that it was probably the best plan that we could suggest.

We raised the minimum salary of the district judge to \$7,000, as against \$6,500 in the original House bill. We stopped the maximum at \$9,000, as against \$10,000 in the House. We raised the minimum for the judge of the circuit court of appeals to \$8,000, instead of \$7,500. We stopped the maximum at \$10,000. We undertook to raise a little at the bottom and trim off a little at the top in this plan, because we felt that the plan itself had defects in it.

Mr. CUMMINS. If the Senator will allow me just a moment more in order to exemplify what I have just stated, I should like to ask the Senator from Minnesota [Mr. KELLOGG] what effect this amendment would have upon the salary of the district judges in Minnesota. How much would the salary of a district judge in Minnesota be under the provisions of this law?

Mr. SMITH of Georgia. I can tell the Senator, unless the Senator from Minnesota has the figures.

Mr. CUMMINS. I did not know that the Senator from Georgia had the figures, or I would have asked him.

Mr. SMITH of Georgia. Yes; I think I have them here.

Mr. KELLOGG. Will the Senator give them? I will look and see if I have them.

Mr. SMITH of Georgia. My figures here give the district court judge in Minnesota \$8,500 and the circuit court judge \$9,500.

Mr. CUMMINS. Precisely. Now, Mr. President, that brings clearly to the attention of the Senate the disparity which I mentioned a few moments ago. Minnesota has one district, and therefore the salary of a district judge is determined by the population of the whole State. Iowa has two districts and has two district judges only; and the salary of the district judges in my State would not be increased at all over the minimum under the operation of the proposed statute. So we would have the situation of two adjoining States—and they are about as nearly alike as two States could be—in which the district judges in one were receiving \$8,500 and in the other \$7,000.

Mr. SMITH of Georgia. But in one State you divide the State and have two judges, and in the other State the one judge does all the work.

Mr. CUMMINS. That is true; but there is not more than one district judge in Minnesota. There is not the same number of judges.

Mr. THOMAS. They all receive the increased salary.

Mr. CUMMINS. They all get an increased salary. I have no objection in the world to that; but you are proposing a plan here that will create the greatest possible discontent everywhere, because it is discriminating against judges without any reason.

Mr. THOMAS. The Senator might add that Minnesota has at least the same number of judges in the one district that Iowa has in the two districts. Under the operation of this law all the judges will get the increased salary, but neither of the Iowa judges will get anything more than the minimum, if the business in the two States and the population of the two States are practically identical.

Mr. CUMMINS. Minnesota has a little larger population than Iowa.

Mr. THOMAS. Not much.

Mr. CUMMINS. Not materially larger. In our State we divide into districts two million and a half people—into two districts two million and a half people—and the districts are so divided that they are about equal in population. So that in each district there are about 1,250,000 people, not enough in either district to entitle the district judge to any advance over the minimum compensation by reason of population, although the judges do their work and live under practically the same conditions.

Mr. SMITH of Georgia. I understand there is one district in Minnesota and there are two districts in Iowa.

Mr. CUMMINS. That is the way I understand it.

Mr. KELLOGG. Yes; there are one district and two judges in Minnesota.

Mr. CUMMINS. We have two districts and two judges.

Mr. KELLOGG. There are five divisions; but, as I recollect, those are divisions of the district. They hold court in five different places, and there are two judges of the district court.

Mr. WARREN. What is the population?

Mr. KELLOGG. The population is two million and a quarter or two million and a half.

Mr. SMITH of Georgia. I am obliged to recognize that there are inequalities in this bill, but I do not see how we could take care of the necessities for the larger salaries in the larger places except in this way, and we undertook to put it in the best shape we could along that line.

Mr. FLETCHER. May I ask the Senator if he knows of any other instance? I do not recall any other States that have only one district and one judge.

Mr. THOMAS. My State has only one district and one judge.

Mr. FLETCHER. Of course some States have more than one district, but I mean one district with more than one judge. I do not recall any others.

Mr. THOMAS. There are States having more than one district in which the number of judges exceed the number of districts.

Mr. HENDERSON. There is the same condition in Nevada as in Colorado.

Mr. FLETCHER. And in Nevada, Arizona, and New Mexico.

Mr. THOMAS. There are States that have more than one district in which the number of judges exceeds the number of districts and each of those judges under this bill notwithstanding population is entitled to the same salary.

Mr. FLETCHER. There are very few of those cases. I think there have been some proposals passed by the Senate but not yet passed by the House where additional judges are provided in some particular districts but there are very few of those cases and very few cases similar to the Minnesota case. It is almost impossible to make a bill that will fit all conditions. I believe it is true that if the Senate bill is passed it will not mean quite as large a draft on the Treasury as the bill passed by the House. I do not know whether the Senator from Georgia has figured that out exactly, but it is my impression that the committee did. I think if the Senate committee bill is passed it will not mean quite as large an increased expenditure in judges' salaries as the bill passed by the House would call for. In other words, if we make a minimum salary of \$7,000 for district judges and only increase in those districts where the population and business increase, you will not pay out as much money for the salaries of district judges as you would if you made all the salaries for every district judge \$7,500.

Mr. SMITH of Georgia. For district and circuit judges together the Senate committee bill appropriates a little more than the bill as passed by the House.

Mr. KELLOGG. I did not hear the Senator's remarks; there was so much noise in the Chamber. Will the Senator please repeat it?

Mr. SMITH of Georgia. For district and circuit judges combined the increase is a little more in the Senate committee bill.

Mr. KELLOGG. What is the increase? Is it not about \$200,000 altogether?

Mr. SMITH of Georgia. The total increase in the bill as passed by the House is \$189,000. The total increase by the Senate committee bill is \$229,000. I will say again to Senators that it is a matter for them to determine. I believe from what I have heard from Senators that there is almost a unanimous view in the Senate that increases should take place. I have had so many Senators speak to me of their interest in this bill and their desire to support the increase of compensation for the judges that I feel sure the general principle of an increase will receive the cordial support of the Senate. Just what plan should be pursued is for you to decide. We give

you the plan recommended by the Judiciary Committee of the House, modified as I have stated. The House itself desire to treat all the judges, without regard to territory, in exactly the same way. It is simply for the Senate to say which they prefer.

Mr. WILLIAMS. Mr. President, some one said many years ago—I do not remember just now who it was but I believe it was Edmund Burke—that the trouble with the English-speaking races is that they constitute a government of lawyers—lawyers in the legislative assemblies, lawyers making laws for lawyers' benefit, and lawyers fixing salaries for lawyers' benefit. Whoever may have said this, there is a great deal of truth in it. If you will look over the membership of the House of Representatives and of the Senate and of the House of Commons in Great Britain, you will find that a large majority of them are lawyers and they legislate in behalf of lawyers, as is perfectly natural.

So far as I can ascertain, this is a bill to increase the salaries of lawyers who have become judges, and who, having become judges, are sacrosanct and ought to be above criticism even as to the amount of money they are to be paid.

There is not any lack of lawyers in the United States who are hunting positions as Federal judges. A vacancy can not occur in a single State of the Union when there are not from 10 to 12 of the most prominent lawyers in the State seeking the position, desiring very honestly to have it for public purposes, not for the reason of the payment of the salary, but because they want to serve the public. They are always there.

I have had a man or two appointed as Federal judge, and the Senator from Georgia, too, has, I expect, although I do not know. I imagine we both had a great deal of difficulty in determining which one of the several men applying for the place we should recommend. They all wanted the position, and wanted it very badly. Men who vied with the Senator and with myself when we were attorneys in our practice—it did not take much to vie with me, but it took a great deal to vie with him—were seeking positions as Federal judges, and very glad to get them at the salaries already paid.

There is no reason in the world why the salaries should be raised. Senators tell me that at certain points in the United States certain Federal judges must decide a certain multitudinous number of cases for which they ought to be extraordinarily remunerated, and that there are other places where they decide a less number of cases for which they ought not to be extraordinarily remunerated. I find that a man can just do so much work in a day, no matter what he is—a judge or what not—and that he does not give himself extra hours on account of extra labor, either; that the average judge devotes about six hours a day in public to the public business, and if he is a very conscientious man he devotes more to it in private.

I am tired of government by lawyers, for lawyers, and for lawyers' payments and compensations. I do not speak with any antagonism. I am the son of a lawyer, the grandson of a lawyer, the great-grandson of a lawyer, the great-great-grandson of a lawyer, and a lawyer myself in a way—not, I thank God, in a commercial way. I never made so awfully much money out of it, because I did not want to go into that part of the practice that based itself purely upon commercial compensation.

I do not see any reason why these salaries should be increased. The lawyers, judging by the fact that they all want the places, do not see any reason for it. The men whom I have had appointed as judges and the men whom the Senator from Georgia has had appointed as judges did not see any particular reason for it, because they took the job at the old price and were very glad to get it. They summoned the whole family up that night and thanked God for the opportunity to take the place. I suppose the wife prayed and the children prayed, and all of them rendered thanks to God that they had gotten the position.

A lawyer with ermine on him is just simply a lawyer. We call him a judge, but we have not added anything to his consideration or his ability or his capacity. If he did not want to take the place as a Federal judge at \$6,000 a year salary he need not have taken it. All he has to do is to let it alone.

By the way, the chief judges of the United States, men like Chief Justice Marshall and Story, were men who never quarreled about their salaries. Each one of them considered himself peculiarly blessed in having the salary which he had. There is not a line in all the autobiography and biography of Chief Justice Marshall complaining about the fact that he was not adequately compensated as a lawyer. He could not have made \$2,500 a year in Virginia practicing law.

He never had made it in his entire life. Story could not have made \$5,000 a year in Massachusetts practicing law, and never had made it in his entire life. Yet they were two of

the very best judges the United States ever had, and why? Principally because they never practiced law for money. The average lawyer who practices law for money and whose aim in his profession is to make money is not a good lawyer and will not make a good judge. He is merely a self-seeker. He is merely a fellow who wants money handed out to him, and if he is that sort of a fellow he will not make a good judge, whatever else he may make.

Old John B. Minor, of the University of Virginia, in my opinion was the greatest lawyer this country has seen in half a century. He scarcely made a living practicing law, because when a case came in to him the ethics of which he did not approve he turned it down. He educated more great lawyers than any man in America except Chancellor Kent, of New York. Kent, of New York, never made any immense amount of money practicing law, as the Senator from New York can testify, but Kent was a great judge, and he was a great judge for the reason John B. Minor was and Story was and Marshall was, to wit, because he had never looked to the law simply and solely as a method of making money.

Mr. President, I do not believe you are going to attract to the bench the best judges by increasing the salaries. I believe if you increase them high enough you will attract the money seeker, the moneygrubber, and the money lover, and whenever you get them on the bench you will have a bad judiciary.

Mr. MYERS. Mr. President, I send to the desk an amendment to the pending committee amendment and ask to have it read.

The SECRETARY. Amend by inserting, after the word "judges" at the end of line 16, page 2, the words "including the United States district judges for the Territory of Hawaii."

Mr. MYERS. Mr. President, this bill does not apply to United States district judges for the Territories of the United States. It applies only to United States district judges for districts on the mainland or in the United States proper. There are two United States district judges for the Territory of Hawaii. The salary of each is \$6,000 per year. They are not appointed for life, as are the United States district judges in the United States proper. They are appointed for only six years.

I do not see any reason why the United States district judges for the Territories should not receive as much compensation as other United States district judges. The United States district judges for the district of Hawaii, as I say, serve only for six years, and in that respect are at a disadvantage with those United States district judges who serve for life or during good behavior. They have to go thousands of miles away from home and live in a strange land. The cost of living in Hawaii is even higher than it is on the mainland of the United States.

The United States district judges for the Territory of Hawaii are good judges and should receive as much compensation as the United States district judges on the mainland. Furthermore, I think the United States district judges in the different Territories should be paid something like the same compensation. The United States district judges for Alaska receive \$7,500 per year. I can see no reason why United States district judges for the Territory of Alaska should receive more compensation than United States district judges for the Territory of Hawaii. There is no reason for it. When you come to reason, there can be no reason for it. The United States district judges for Hawaii should receive just as much compensation as those who serve in Alaska. Hawaii is as far away from the mainland of the United States; the cost of living is just as great, I am sure, in Hawaii as in Alaska.

There may be some difference of opinion among Senators as to the wisdom of this bill. There may be some difference of opinion as to the justification and advisability of enacting this proposed legislation and increasing the salaries of Federal judges; but, if we are going to do it at all, it seems to me we ought to do it equitably and fairly and not increase some and exclude others. It seems to me, if we are going to enact this legislation at all, it should be fairly and equitably framed and put upon a plane, so that all of the United States district judges shall be fairly treated and compensated somewhat alike. Then, when the bill is perfected in that way, it is a question for the Senate to decide whether or not the bill shall be enacted into law. I seek to perfect the bill in an equitable and fair way before the question of its final passage comes before the Senate.

I believe my amendment should be adopted. There is a population of about a half million people in Hawaii. This amendment to the committee amendment, if adopted, would give the United States district judges for the Territory of Hawaii a salary of just \$7,000 per annum. It would fix their salaries at the minimum salary provided in this bill. It would give them

the lowest salary provided by this bill for any United States district judge, and I think they are certainly worthy of that. They are good men and good judges and there can be no ground for discriminating against them. It is apparent they are discriminated against, though, when you remember that United States district judges for Alaska are given \$7,500 a year. My amendment would pay the Hawaiian district judges of the United States \$500 per year less than the United States district judges for the Territory of Alaska receive, and would give them the minimum that any United States district judge on the mainland would receive.

It seems to me the amendment should appeal to the Senate as being absolutely fair, just, and reasonable, and there should be no doubt of its adoption.

Mr. KELLOGG. Mr. President, I do not wish to take much of the Senate's time, but I am loath to allow the remarks of the Senator from Mississippi [Mr. WILLIAMS] to pass without at least attempting to answer them.

The Senator states that most of the Members of the House and Senate are lawyers, and therefore it looks to him like they are voting to increase the salaries of lawyers. Great as that argument may seem, I submit that we are not in the habit of putting men on the bench unless they are lawyers, and, of course, when we vote to increase their salaries we vote to increase the salaries of lawyers.

But beyond that, if it is an intimation or an insinuation that the lawyers of the Senate and the House of Representatives are seeking to increase these salaries for personal advantage or in the hope of some time occupying a place on the bench and getting the larger salaries, I am astonished that the Senator from Mississippi should make such an insinuation. The public men in both Houses of Congress and in the legislatures and in public life for more than 100 years have come from that great and honorable profession, and it is a slander upon them to say that they are voting to increase their own salaries.

Mr. President, of course lawyers can be found to occupy the judicial positions at the present salaries, such as they are, and I do not wish in any way to reflect upon the men who are occupying those positions, for the Federal judiciary has during the entire life of this Republic been of a very high grade, and the judges whom I have known, though many times serving for much less than their abilities would justify, are men of high character and ideals and possess eminent qualifications for their position.

But, Mr. President, because men can be procured to fill positions is no answer to the argument that they should be paid a fair salary consistent with the incomes of men of their profession, although I do not claim they should be paid any such amount as men of their profession of like ability can earn. I have no doubt that every office of justice of the peace in important cities could be filled by lawyers, but that is no argument to the effect that a justice of the peace would be suitable to sit upon the court of appeals bench.

Mr. President, it is a well-known fact, not only to lawyers but to everyone, that judges of the United States courts have not for many years been paid a salary commensurate with the very important positions they occupy, and it is becoming increasingly difficult in the large centers of population, where professional incomes are high, as well as in the villages and rural districts, to obtain the best men for appointment as United States judges. In the last few years judges have been resigning in the State of New York, because they simply could not live on the salaries which they there received.

Mr. POINDEXTER. Mr. President—

The PRESIDING OFFICER (Mr. GAY in the chair). Does the Senator from Minnesota yield to the Senator from Washington?

Mr. KELLOGG. I yield.

Mr. POINDEXTER. I have been informed by former Senator O'Gorman, of New York, that the justices of the peace and the police magistrates of New York City receive \$8,000 a year, while the United States district judges only get \$6,000 a year.

Mr. KELLOGG. I am not informed as to that, but the judges of the Supreme Court of the City of New York, which is the nisi prius court, get \$17,500 a year, while the United States district judges get \$6,000 a year.

Now, let us consider this fact. It is not solely a question of whether the man can buy the necessities of life and can live on the salary that is now paid, but it is a question of paying salaries commensurate with the incomes of lawyers in the community; and no one will claim that any man who is qualified to sit upon the United States district court or upon the circuit court bench could not earn vastly more than the salary he is now paid or that it is proposed to pay in this bill.

Mr. WILLIAMS. Then why does he take the place?

Mr. KELLOGG. The Senator from Mississippi asks why judges take such places. It is because it now is, and always has been, a very honorable place, and it is to the honor of the profession that that is the fact.

Mr. WILLIAMS. That answers the question.

Mr. KELLOGG. But we should not force men to take those positions simply because of the honor involved, for it means that a poor man can not afford to do so, and the bench will be filled by rich men or by incompetents.

Mr. WILLIAMS. Will the Senator pardon me this interruption?

Mr. KELLOGG. I will.

Mr. WILLIAMS. If it be true that a man takes the place partially because of its compensation and partially because of its honor, and chiefly because of its honor, then why should we put it upon a mere monetary basis? Why should we not leave to the honor of the profession some of the ambition that Marshall, Kent, and Story had to figure in American history as great lawyers? Why should we reduce it to a mere dollars-and-cents standard? As I understand, the Senator from Minnesota says that these men take these places because of the honor in them. I can understand that; he can understand that; the Senator from Washington [Mr. POINDEXTER] can understand that. We will do much more for honor than we will for money.

Mr. KELLOGG. Mr. President, I will attempt to answer the Senator from Mississippi. It undoubtedly is a fact that a great many of the judges occupy the position because it is a position of honor and dignity, and I do not expect that we are going to pay a salary anywhere near what those men could earn in their profession; no one thinks of doing that.

Mr. WILLIAMS. Will the Senator pardon one more question?

Mr. KELLOGG. I have not yet answered the Senator's first question.

Mr. WILLIAMS. Then the Senator can answer the two questions at the same time. Suppose we undertook to pay the utmost salary that any lawyer in private practice could get, then would we not undertake to pay a dishonest salary for dishonest service to public corporations?

Mr. KELLOGG. Mr. President, no one thinks of paying a maximum salary equal to the income of many lawyers; but I should like to remind the Senator from Mississippi that there are a great many high-minded and able lawyers who are just as patriotic as is the Senator from Mississippi or any other Senator in this body, who have large incomes from legitimate and honorable business. No one expects to pay judges more than a small proportion of the income of such lawyers; but I do think that we should not leave the judges of the United States courts to be paid by honor alone. I do not wish only men to be selected for those positions who have made their fortunes. I like to see young men of ability who are poor and yet have the world before them given an opportunity to distinguish themselves upon the bench.

Manifestly the salaries of the district and circuit judges of this country are inadequate. Let me submit some figures. The eighth circuit, in which I have had the honor of practicing for over 40 years, contains 13 States, reaching from the Mississippi River to the Rocky Mountains and from the borders of this country on the north to the south to New Mexico. It has a population of almost 20,000,000; it has four United States circuit judges who sit in the court of appeals, and since the day that Justice Miller and Justice Brewer added luster to that bench it has been filled by lawyers of the highest ability, character, and standing. One of them to-day is upon the United States Supreme Court bench, having sat there many years. Judge Caldwell was well known as one of the great lawyers of this country, and Judge Miller in his day was ex officio circuit judge, representing the Supreme Court of the United States. To-day there are Judges Sanborn, Hook, Smith, and Stone. They are all men of ability and character. Judge Sanborn has been on that bench for more than a quarter of a century and is one of the great lawyers and judges of this country, his entire time and strength being given to a work of colossal magnitude. We are paying him only \$7,000 a year, and he would have resigned but for the protest of the members of the bar of this country. I say that that is not fair.

Mr. President, the judiciary, State and Federal, is the corner stone and the foundation of law and order in this Republic. It sits between the legislative and the executive. Its powerful hand protects the citizen if the Executive, in the pursuit of his ambitions, seeks to usurp his powers; and it is the prerogative of the judge to decide whether the statutes that Congress pass conform with the Constitution and the Bill of Rights which were framed by our forefathers and which have been

handed down to us through the generations. Nothing is more important to the protection of the citizen and to the stability of the Government than a high-minded, honorable, fearless judiciary.

I do not for a moment wish that we shall turn the bench into a money-grubbing profession. I say, to the honor of the bench of this country, that against its standing that charge can never be made; and the proposed increase here provided certainly will not render the judges of the United States liable to the charge of profiteering.

Mr. President, I am not particular whether the amendment of the Judiciary Committee be adopted or whether there be a flat increase applying to all the judges of the United States. I realize that there are objections to both systems. The House Judiciary Committee for the last year or two had under consideration, as the Senator from Georgia [Mr. SMITH] has stated, this plan, and they reported in favor of it. Then the House changed it to a flat salary basis. The Senate Judiciary subcommittee recommended a flat increase of salary, but the entire Judiciary Committee, considering the matter again, recommended the sliding scale, with a maximum and a minimum limitation.

Mr. SMITH of Arizona. Mr. President, will the Senator from Minnesota permit an interruption?

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Arizona?

Mr. KELLOGG. I yield to the Senator.

Mr. SMITH of Arizona. I should like to have the judgment of the Senator from Minnesota as to which, in his opinion, as the matter now stands, is the better legislation. My view of the bill leads me to feel that the House as it passed the bill came nearer to being absolutely fair all along the line. The plan of the House impresses me as being preferable to that of the bill as reported to the Senate. I have great confidence in the judgment of the Senator from Minnesota in the matter, and should be somewhat led by his mature judgment as to which of these plans is the better; but at present I am convinced that the bill as it came from the other House is much better than as now proposed to be amended by the Senate committee.

Mr. KELLOGG. Mr. President, I will try to answer the Senator from Arizona before I complete my remarks. I wish to state the two sides of the question as fairly as possible, and I shall be content whichever plan the Senate adopts. I think, however, that the salaries fixed in the House bill are not high enough. As I understand, they are \$7,500 for district judges and \$8,500 for circuit judges. I think those salaries should be higher.

Coming, now, to the question of which is the better plan, the one adopted by the other House or the one adopted by the Senate Judiciary Committee, reversing the position, as I understand, taken by the subcommittee of the Judiciary committee. I am not on the Judiciary Committee and therefore am not familiar with the arguments and statistics which were presented as to the various large centers of population, and I can only give my views in a general way. It is true, undoubtedly, that in New York, Philadelphia, Boston, Chicago, St. Louis, and other cities it is much more difficult to obtain high-grade lawyers to sit upon the district bench than it is in the country lawyers of equal ability.

I am a great believer in the country lawyer. I was born in the country, started to practice in a little country town in southern Minnesota, and traveled over the prairies of the West trying lawsuits, and I know that many, if not most, of the great lawyers of the United States have come from country towns. If you will look at the bar of the great cities to-day, you will find that they have drawn their brains largely from the country. I also know that a salary of six, seven, or eight thousand dollars a year in Iowa or Minnesota or in the Dakotas would be much more adequate than \$10,000 in New York City or Washington, where rents are enormous and where the standard of professional incomes is very much higher.

Of course, a lawyer should not look exclusively to the money question, and the great lawyers of the country do not. It is a rule almost universal that the great lawyers of this country do not turn away clients any more than the great doctors do because they have no money; but it is not dishonorable for the great lawyers of the country to earn large incomes, any more than it is dishonorable for men engaged in business to make large incomes; it is honorable.

Mr. President, as I have stated, it is true that in the large cities it is more difficult to obtain professional men to sit upon the bench than in the country, and there is a reason for it. In my State we pay our district judges, our State trial judges, \$1,500 more in St. Paul, Minneapolis, and Duluth than we pay them elsewhere in the State, and there has never been any ob-

jection to that. In the State of New York likewise the State judges get a great deal more—I think nearly twice as much—in the city of New York than they do up State, where I lived when I was a boy. On the other hand, it is also true, as stated by the Senator from Iowa, that there are discriminations in this system. I will admit that as between the State of Minnesota and the State of Iowa I do not think that the judges of the district courts ought to be paid any more in the State of Minnesota than in the State of Iowa, although possibly litigation is greater in Minnesota, owing to the enormous mining district which is situated principally in that State. There will be some discrimination and it can not be avoided. Even if we make a flat increase in salary, there will be discrimination; there is no doubt about that; and under such a plan the discrimination might be greater.

Take the judges of the circuit court of appeals. The circuit court of appeals of the eighth circuit embraces 13 States. There is no other court embracing anywhere near so large a number of States. It has the largest population by about 7,000,000 of any circuit in the United States. It has nearly 20,000,000 people, while the circuit with the next greatest population is the New York circuit, known as the second circuit, which has 12,500,000 people; next comes the Pennsylvania, or third circuit, which has twelve and a third million people; and then the seventh circuit, embracing Wisconsin, Illinois, and Indiana, which has 11,800,000 people. I ask to include the computation I hold in my hand at the end of my remarks, without reading.

The PRESIDING OFFICER. Without objection, permission is granted.

Mr. KELLOGG. Mr. President, under this bill the United States circuit judges of the court of appeals of the first circuit, embracing New England; of the second circuit, embracing Vermont, New York, and Connecticut; and of the third circuit, embracing Pennsylvania, New Jersey, and Delaware, will get the maximum salary of \$10,000, which is certainly not more than adequate. The judges of the seventh circuit, embracing Wisconsin and Illinois and Indiana, in which the city of Chicago is situated, will also receive a salary of \$10,000.

In the circuit of which Minnesota is a part, as I figure it—and I think I am correct—the maximum salary of the judges of the United States circuit court of appeals will be \$9,500. I readily realize that when those judges sit in St. Paul, St. Louis, Denver, where litigation is perhaps heavier than in any other circuit in the United States, they ought to be paid as much as the judges of the circuit court of appeals in the New York circuit, but I am not going to object to the bill on that account, for I realize that we can not get exact equality, and, even if we provide a flat increase of salary, some judges in the country districts, where the business is light, will be paid really more than the judges in the big districts, where the business is heavy.

In the eighth circuit, during the life of the court, there have been more opinions filed than in any other court in the United States; the litigation has been of greater importance; it has involved a great section of the country traversed by railroads, embracing great cities and great mining and industrial interests, the principal iron mines and many of the other mineral industries of the country being situated within that circuit. Yet I am not going to object because the judges of that circuit under this bill will receive \$500 a year less than the judges in the New York and other circuits, because I believe the committee has tried to make as fair a bill as possible. Personally, I am perfectly willing, if the Senate so desires, to have adopted the plan of a flat increase of salary.

Mr. CUMMINS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Iowa?

Mr. KELLOGG. I yield.

Mr. CUMMINS. Does the Senator know of any reason why the committee should not have adopted the rule of population in the case of the circuits as well as in the case of the districts?

Mr. KELLOGG. No; I am not familiar with the statistics or the arguments before the committee. As I have said, I am not on the committee, and I have had only a very brief opportunity to look over the report of the committee and the bill. I repeat, it is a question of opinion as to which is the best method, and I am sure the chairman of the committee will be perfectly satisfied if either plan is adopted, provided a reasonable increase in the salaries of these judges is provided.

Mr. CUMMINS. Mr. President, I am just as much in favor of a fair increase in the compensation of United States judges as is the Senator in charge of the bill or the Senator from Minnesota, but I can tell the Senator why the rule of population was not adopted with respect to the circuit judges.

Mr. KELLOGG. I am not familiar with that.

Mr. CUMMINS. The committee was trying to provide, as was stated by the Senator from Georgia, the highest salary for United States judges in New York, Boston, Philadelphia, and Chicago, and the rule of population will do that in the case of district judges, but will not do it in the case of circuit judges. Therefore, another rule was adopted for ascertaining the compensation of circuit judges. I think the rule eminently unfair, not that I am not willing to give some compensation to the judges in New York, Boston, Philadelphia, and Chicago in excess of the general level of compensation, for I am. I recognize as perfectly valid some reasons, at any rate, that are given for higher salaries in those places. All of the judges want their salaries increased, of course, but this bill will bring about more heartburnings than we have ever seen in judicial circles.

I see the Senator from Michigan [Mr. Townsend] sitting by me. The bill will not only create disparity between States, but between districts in the same State. A few moments ago I asked the Senator from Michigan what the effect of the bill would be in his State, and he told me that the result would be that the salary of the judge of the western district of Michigan would be \$7,500, while the salary of the judge of the eastern district of Michigan would be \$8,500, both of them men of the very highest character, both of them capable of great work, and one of them doing just as much work and just as important work as the other. I do not believe there is any justification for that kind of a rule.

Mr. KELLOGG. Mr. President, I can not answer the Senator as to specific salaries in the case of the various district judges of the country. I know, of course, that there is some discrimination between the judges of the circuit court of appeals. Of course, that could be removed by making a flat increase in the salaries of all judges of the circuit court of appeals to \$10,000 a year, because undoubtedly in all the circuits the courts of appeal hold their meetings in more than one place. I presume that is true; they certainly do in the circuit where my home is.

So far as I know I have not heard of any objection by the judges themselves; naturally, perhaps, they would not raise objections; but I have heard from a good many judges who, while they realize that the bill probably does discriminate somewhat, yet on the whole they are satisfied, and some of those judges are in the big cities. Of course, however, I can not speak for the bench as a whole, and I realize what the Senator from Iowa has said that there is necessarily some discrimination.

APPENDIX.

MEMORANDUM RE H. R. 12001, JUDICIAL SALARY BILL.
Population of the nine judicial circuits of the United States.

STATES IN THE FIRST CIRCUIT.	
Maine.....	787,042
New Hampshire.....	448,274
Massachusetts.....	3,880,007
Rhode Island.....	648,964
Total.....	5,773,887
STATES IN SECOND CIRCUIT.	
Vermont.....	367,439
New York.....	10,833,795
Connecticut.....	1,307,163
Total.....	12,508,397
STATES IN THIRD CIRCUIT.	
Pennsylvania.....	8,936,091
New Jersey.....	3,146,547
Delaware.....	218,722
Total.....	12,301,360
STATES IN SEVENTH CIRCUIT.	
Wisconsin.....	2,580,800
Illinois.....	6,400,473
Indiana.....	2,872,842
Total.....	11,854,115
STATES IN EIGHTH CIRCUIT.	
North Dakota.....	817,554
Minnesota.....	2,378,128
South Dakota.....	753,897
Iowa.....	2,224,771
Missouri.....	3,467,401
Nebraska.....	1,309,627
Kansas.....	1,896,520
Arkansas.....	1,819,587
Oklahoma.....	2,465,402
Wyoming.....	195,791
Utah.....	463,431
Colorado.....	1,040,842
New Mexico.....	450,381
Total.....	19,283,332

N. B.—The foregoing figures have been obtained from the Census Bureau, and represent estimates of the population of the States mentioned on July 1, 1910, computed on a mathematical basis, being advanced from the last census statistics taken on April 15, 1910.

Mr. WILLIAMS. Mr. President, the salary of a Senator of the United States is \$7,500 a year. A Senator of the United States is selected by the people of his State. His source of authority is of the very highest order. A judge of a Federal court is generally selected by some political influence, plus the President and the Attorney General. His source of authority is not of the very highest order. If a Senator does his duty, he does very much more work than a judge of a Federal court. Of course, if a Senator does not do his duty, he may do a good deal less than some judges of some Federal courts. He could not possibly, no matter how much he played, do less work than some other judges of some other Federal courts. There is no reason in the world why an officer of this Government—and the legislative branch of the Government coordinates with the judiciary—should be paid less than the judiciary, except upon the Supreme Court itself, which sits in judgment over both the judiciary and the legislative and the executive branches.

Suppose somebody came in here to-day and said that we ought to fix our salaries as Senators according to the population of our respective States, or according to their wealth, or according to their business. Would you pay a Senator from New York ten times as much as you pay a Senator from Minnesota? If you were guided by the population ratio, or by the wealth ratio, you would have to pay him at least that much more. Is there any sense in it? Are there any ethics in it? And I want to go back to the ethics of the situation.

I repeat now what I have said by innuendo, that if you attempt to pay men upon the Federal bench the salaries that unscrupulous lawyers can gain off the bench, then you have corrupted the bench; and when I say that, I do not mean scrupulous lawyers; I mean unscrupulous lawyers. Every time this question is presented for debate in this body or at the other wing of this Capitol men mention the immense salaries that certain lawyers are getting.

Mr. KELLOGG. Mr. President, if the Senator will permit me, did I mention the immense salaries that certain lawyers were getting?

Mr. WILLIAMS. The Senator did not mention any particular salary that any particular lawyer was getting; no.

Mr. KELLOGG. Did I mention any salaries at all?

Mr. WILLIAMS. But the Senator went on and mentioned the fact that the judges could not get as much as they could in private life.

Mr. KELLOGG. That is a mild statement of the position I took.

Mr. WILLIAMS. Yes. Now, what the Senator meant by that was that the judges could not get as much as some lawyers could get in private life. If he had referred to Chief Justice Marshall, or to Justice Kent, of New York, or to Story, they got a great deal more as salary than they ever earned as practitioners; but they did not get as much as a whole lot of other lawyers in their day got—the lawyers that took business that Kent or Story or Marshall would have scorned.

What about this basis of population with regard to salaries for judges? Are you going to give a Senator from Pennsylvania five times the salary that a Senator from Georgia gets? They do the same work, or are supposed to do it. Every judge of the appellate court and every circuit judge and every district judge of the United States has business enough to keep him busy all the time if he attends to his work. Why should you discriminate between them on account of the population behind them? And if it be true that you are discriminating, not on account of population, but on account of the number of cases, then why not increase the number of judges and let each judge have approximately the same business to perform and pay him the same salary?

But at the bottom of it all, Mr. President, there are, to me, the ethics of the situation. I deny, I scorn the proposition, that a man honored with a life tenure as an officer of the United States Government for the purpose of construing its laws ought to want or demand the same compensation that he would receive in private life. You would give up the position that you occupy to-day, and I would give up mine, for a position for life upon the Federal bench, and the Senator from Minnesota would give up his. Why? The honor, the dignity, the patriotism, the service, the life service of a true and honest man rendered to his country.

What is there in life after all except service—service which I render you, or you me, or which we both render the public? The balance of it is selfishness. You show me a lawyer who would not take a place upon the Federal bench for life at \$6,000 a year rather than earn \$15,000 in private life and I will show you a man that is crooked, in heart crooked, in soul crooked, in mind crooked, because he has at heart the idea that the amount

of money that he can earn is of more worth to God and man than the amount of service that he can render.

Mr. SMITH of Arizona. Mr. President, in what little I have to say I shall not stop to answer anything that has been said about the legal profession by the Senator from Mississippi, for I do not know that it has anything to do with this case; but I have learned to-day for the first time, and from him, that the best way to get a good lawyer upon the bench is to get a man who never was able to make a living practicing that honorable profession; and the way to secure an absolutely perfect judge is not to allow him any salary at all. [Laughter.] That is idealistic in the highest degree, and as practical as real simon-pure idealists usually are.

I want to say that as far as this discussion has gone—and I am deeply interested in it, though not personally, any more than any other Senator here—I feel that we ought to accept the House bill. It shortens further debate on this question and gives, in my judgment, as good a law as we can possibly get out of the present condition. I do not think there was any justification in the Senate committee striking out the \$7,500 placed in the House bill in section 2 and substituting \$7,000 per annum as the minimum salary, and doing it, I imagine, on the ground of population of the district rather than on the labor to be performed by the judge. It so happens that there are many districts in the United States where \$6,000 might be a sufficient salary, a fair compensation for the service rendered; and from what has just been said by the Senator from Mississippi, I would judge that inasmuch as little men were hunting big places, even with the smallest salaries, many of the judges with whom he is acquainted were getting much more than they ought to have, even at \$5,000. In such cases the Federal courts in such States should be confined to not more than one district, and I will agree with the Senator to limit the salary to the value of the service rendered at any time that he will introduce a bill to that effect. Mr. President, no law of man was ever made or ever can be made that will insure exact justice to all concerned. In our limited conditions we can only try our best to approach that exact justice we all desire. Because a Mississippi judge has nothing to do and can regale himself and live in envious splendor on \$6,000 a year is no reason that a busy and able public servant in my State should be worked to death on starving wages.

Take the judge of my district—Judge Sawtelle—an ornament to the bench, a man of the highest personal character, and a lawyer of exceptional ability, a man whose life is as clean as his mind is honest, and who is absolutely fearless in the performance of his duty. When comparatively a young man he quit a practice of twelve or fifteen thousand dollars a year to take the position of district judge at \$6,000. Men have ambition, just as many of us started out, actuated by it, not as a money-getting matter but feeling that probably he could render such service to his country as to be honored and respected by his contemporaries and leave a name that his descendants would revere. Nevertheless the judge or the Senator must have something to live on. The judge can not educate his boys on his present salary and hold four terms of court in a State almost as big as Ohio, Indiana, and Illinois put together, going hundreds of miles from one court to another, six years on the bench now without a week's actual recess, trying cases at night, with a docket constantly growing, and disposing of something like 500 cases since last March, and he has 600 cases now on his docket. He has to do this, and he does it and is doing it simply because he can not possibly enjoy a recess with 100 or 200 people in jail awaiting trial.

We have asked for a second judge for that district. For the reasons that I indicated in the few words I said a while ago, that judge has not yet been granted. That bill, which passed the Senate, has not passed the House. They are trying to mix it up with politics. Politics has nothing to do with it. Telegrams or letters sent here to Members of the House and Senate by low and common ward politicians are unworthy of decent consideration at your hands. The judge of my district can not perform the duties of his office and keep his health, and no man living can do it. With possibly one or two exceptions, there is not in this Senate a man who works half the time that Judge Sawtelle works in Arizona upon the bench, and I know that his services to his country there are as great as the services of any one of us here; and yet the Senate has cut that salary down to \$500 less than the House bill provided and largely increased the salary of judges doing less work, but serving in districts having a larger population.

There are ten cases coming before the Arizona district judge to where one case is heard in many other districts, especially in some States of the South and in the New England States. Unnecessary courts should be abolished and the remaining judges

given a fair pay for their highly specialized and valuable service. If there ever was a time when men of learning, men of courage, men of character, men of justice and patriotism, should occupy the bench it is now. Whatever may be said to the contrary, the courts of our country, with some disgraceful exceptions, have held the fairly balanced scales of justice. I have no patience with those who talk about "lawyer-made laws for benefit of lawyers." Show me in all the acts of Congress one single law justifying that scandal. Whenever you hear on the streets or in political or other gatherings some blatant orator deriding the laws of the land, the courts of justice, put him down as an enemy to decent government, an opponent of modern civilization, and in essence a traitor to the country his presence pollutes. We need on the bench the highest character of men that can be secured—men of learning, experience, wisdom, sound judgment, unafraid in performance of duty; but such men can not be had at salaries that will not educate their boys and girls and afford a home for the mother. My record shows my willingness to accord to every man who works with hand or brain a fair compensation for the labor performed.

Mr. TOWNSEND. Mr. President, I had assumed that every sober-minded Senator was in favor of increasing the salaries of Federal judges. I think we have all had knowledge of conditions in our own districts, so that we know something of the work that is done by and the duties that are required of a Federal judge.

With me, it is not a question as to how much these men could earn in private life. It is simply a matter of what it is right for the Government to pay its judicial servants. What ought the judges to receive as a minimum salary for the services which they render the country?

Considering what the States have done in the payment of their judges, it does not seem to me that the salaries of Federal judges, district and circuit, are high enough. I am, however, better pleased with the House provision than I am with the Senate amendment, although I would like to see the salaries still higher than those provided by the House. I would like to provide a flat salary of \$8,000 for the judges. My reason for that, among others, is that every judge devotes his whole time to the duties of his office, and most of our judges are already overworked. Furthermore, they are frequently assigned in exchange with other judges in other circuits, and it frequently happens that a judge sits for months in a district outside of the one over which he presides.

For instance, a judge in Michigan is sometimes assigned to a circuit or district in New York City. He goes down there and serves, performs there the same duties that he performs at home, and the same duties that are performed by the local judge. It seems to me there can be no reason why men who do exactly the same work, and possibly in the same circuit during a portion of their term, should receive different salaries.

Therefore, Mr. President, without attempting to answer any of the arguments that have been made against raising the salaries, and without attempting to laud the judiciary, for which I have the very greatest respect, but coming back to my original proposition—namely, that most men who are familiar with the circumstances believe that the judges are not receiving enough—it seems to me the only questions for us to decide are how much shall be the minimum salary and whether the salary shall be graded according to population or whether it shall be the same for all.

I think the minimum ought to be \$8,000, and I think every judge who is on the district bench should receive that salary. As for the circuit judges, I am not particular whether you make the salary \$9,000 or \$10,000; but, in my judgment, it ought to be the same for all. We pay Senators and Members of the House not according to the population of the States or districts which they represent but all receive the same, because they are supposed to perform the same duties and meet the same responsibilities.

Therefore, I shall feel that it is best to vote against the Senate amendment, with the hope that we can raise the House provision to \$8,000 a year for district judges and \$10,000 for circuit judges.

Mr. MYERS. Mr. President, the Senator from Texas [Mr. SHEPPARD] has taken an interest in the subject matter of the amendment to the committee amendment which I have just offered, to wit, the salaries of the United States district judges for the Territory of Hawaii. He has a communication on the subject from the Attorney General of the United States which he intended to present and ask to have read. As he is not present for the moment, I make the request for him. I send the communication to the desk, and ask that it be read.

The VICE PRESIDENT. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., January 6, 1919.

HON. MORRIS SHEPPARD,
United States Senate, Washington, D. C.

DEAR SENATOR: I acknowledge receipt of yours of the 4th, suggesting that the bill increasing the salaries of Federal judges be amended so as to include territorial judges.

I not only see no objection to the raising of these salaries, but believe it would be well to do so. Judges are almost universally underpaid in this country. As the bill referred to is now pending in the Senate, I suggest that you have it amended so as to carry out your views. It is very difficult for me to keep up with legislation of this character, and under existing conditions in my department it is hardly possible.

Yours, very truly,

T. W. GREGORY,
Attorney General.

Mr. SHEPPARD. Mr. President, I am very thankful to the Senator from Montana for having sent the letter to the desk. I was out of the Chamber temporarily, or else I would have sent it up myself.

I wish to say that the amendment strikes me as being eminently fair and eminently just, and I hope the Senator from Georgia will accept it.

Mr. SMITH of Georgia. Mr. President, I ask that the amendment of the Senator from Montana be read.

The VICE PRESIDENT. The Secretary will state the amendment to the amendment.

The SECRETARY. On page 2, at the end of line 16, after the word "judges," it is proposed to insert "including the United States district judges for the Territory of Hawaii."

Mr. UNDERWOOD. Mr. President, I desire to ask the Senator from Montana if he would object to amending that amendment by including Porto Rico? They are all on exactly the same basis.

Mr. MYERS. I do not know anything about the salary of the United States district judge for the Territory of Porto Rico. What is it—\$6,000?

Mr. UNDERWOOD. I think he gets \$5,000, but he does exactly the same class of service, and Porto Rico is on exactly the same basis of salary.

Mr. MYERS. No; I would have no objection to including Porto Rico.

Mr. HOLLIS. Mr. President, would the Senator object to withholding that amendment for the present and letting us see what is the fate of the amendment of the Senator from Montana?

Porto Rico is in the first circuit, the circuit in which I reside and where I practice law. If the amendment of the Senator from Montana should prevail I intended to offer an amendment putting in Porto Rico, but I should hate to hurt the Senator's amendment by coupling it with another one. I would rather have them separate.

Mr. UNDERWOOD. I have no desire to do so, and therefore I asked the Senator if he was willing to consent. As the Senator from New Hampshire intends to offer an amendment on the subject, I will not press my suggestion at this time.

Mr. THOMAS. Mr. President, I trust that Senators who want to enlarge the scope of this bill will not overlook Alaska.

Mr. MYERS. The United States district judge for the Territory of Alaska, I understand, receives \$7,500 per year. I then simply ask for a vote on my amendment as I sent it to the desk, and as it reads now, applying to the Territory of Hawaii alone.

Mr. McKELLAR. Mr. President, I favor the legislation in this bill. I think it proper to increase the salaries of our Federal judges; but, like the Senator from Arizona [Mr. SMITH] and some others who have discussed this subject, I am inclined to think that the House bill is the better bill.

I doubt the wisdom of legislating according to population. I think it is rather unfair to the judges who do not live in the populous districts, who may have just as much work to do as those who do live in the populous districts, to pay them a different salary. I think it is wrong in principle. It is contrary to the policies along which we usually operate, and for that reason I hope very much that the Senator from Arizona will insist upon his motion to strike out section 2 as proposed by the committee and restore the provision of the House bill which increases the salaries to \$7,500 a year for district judges, and to \$8,500 a year for circuit judges.

I think these increases should be made. I think they should be uniform. I think we should treat all judges alike. Why, as we know, these judges constantly sit by interchange. Judges from my State frequently sit in Ohio, New York, and other more populous States. They would be sitting there and doing the work of their colleagues at a less salary under those circumstances.

The proposal of the committee is an unfair method of determining salaries, as it seems to me. I should like to see all treated equally and fairly alike, especially those in the same class. That is all I have to say about that. I think their salaries ought to be equalized. I will vote for the salaries as provided in the bill as passed by the House. I would much prefer that method of dealing with the question. The method provided in the committee amendment will be the cause of much complaint from the judges holding the same positions in the less populous districts and receiving less salaries. One other matter before I take my seat, Mr. President. I think the salaries of the supreme court judges of the District should be made the same as the salaries of district judges, and that the salaries of judges of the Court of Appeals of the District should be made the same as the salaries of the circuit judges. The work in each case corresponds, and the salaries should be arranged accordingly. This is only fair.

Mr. SMITH of Georgia. Mr. President, I call the attention of the Senator from Tennessee to the fact that when these judges are sent out of their districts away from their homes, they receive transportation and \$10 per diem extra pay, which, in a way, if applied to the entire year, would amount to something like \$3,000. This, of course, is some compensation to those judges from the smaller districts, who go to the larger districts to help attend to the business there.

I mention this simply to remind the Senate of the fact and to state again that I am not a partisan of either plan. They seem to be so nearly the same that I would be glad to have either. We only finally adopted the graduated scale, because we thought some substantial recognition should be made of the status in the big cities, and that in this way alone we could succeed in reaching it.

Mr. McKELLAR. Mr. President—

Mr. SMITH of Georgia. Just one word more and then I will yield the floor to the Senator. I mention again that the district attorneys receive different salaries in different districts, even in the same State, and United States marshals receive different salaries. The theory that everyone occupying a particular office must receive the same salary everywhere has not been followed. Indeed, until a few years ago the district judges in different parts of the United States received different salaries, just as in some of the States the nisi prius judges receive larger salaries in the large cities than they do in the rural districts. I have no doubt it is based upon the theory that to obtain the talent you want you ought to recognize the earning power of the person called to the particular position. You must consider the earning capacity of the person at the place where he is located and also the expense of living.

I deemed it due to the committee that I should say this much as presenting the line of thought which influenced the committee.

Mr. McKELLAR. Before the Senator takes his seat, may I ask him a question? Does not the Senator think the scale of difference, if I may call it that, between \$7,500 and \$9,000 is too small to be taken into consideration in the settlement of the salaries of these judges? In other words, take a lawyer from New York, who is about to be appointed to a judgeship, who has to give up a very large practice, does the Senator think it would make very much difference to him whether he received a salary of \$7,500 or \$9,000?

Mr. SMITH of Georgia. He might take the place without regard to the salary for the honor in the position and his desire to render the public a service, but the \$2,000 would help substantially in meeting his expenses each year, even in New York, and even here in Washington.

Mr. SAULSBURY. Mr. President, it seems to me there is an improper distinction made in the payment of judges when it is based on population. I know something of the conditions in the eastern and northeastern sections of the country, and I think it is very proper that I should call the attention of the Senate to the condition in my own district. Of course, the judge in our district will get the smallest salary, on the basis of population. At the same time the judge in our district is sitting on the bench all over the populous State of Pennsylvania, helping the judges who are receiving the higher salary in Pennsylvania, possibly as high as the salary received by judges anywhere in the United States.

I fancy that in the three States, in the third circuit—New Jersey, Pennsylvania, and Delaware—and in all the districts of that circuit there arise as important cases, as complex questions for decision, and we need as good judges as anywhere else in the United States. Those judges practically divide up their work.

It seems to me a bit humiliating for a judge in one of the smaller districts to have to make out his per diem account, his traveling expenses, and things of that sort. So far as we are

concerned in that section of the country, certainly in the third district, it seems to me, any distinction, while it may be a bit humiliating, is absolutely useless and uncalled for.

I shall vote for the House provision making them all equal, and I fancy that even in those districts where by reason of sparse population the judges would go on the smaller salaries, yet the judges in those districts having to travel long distances and put up with inconveniences are entitled to quite as much consideration as are the judges in thickly settled districts.

It seems to me the House provision, under the circumstances, is the best. I do not think there is any danger of overpaying our judges anywhere, certainly not in this portion of the country, where it is almost always a sacrifice to any lawyer who is fit to be a judge to go on the bench, so far as the pecuniary consideration is concerned.

I hope no distinction will be made in regard to population. I shall vote against it.

Mr. McKELLAR. Mr. President, a parliamentary inquiry. Is it in order now to move to strike out section 2 of the bill and insert section 2 as agreed to by the House?

The VICE PRESIDENT. It is not.

Mr. SMITH of Georgia. The parliamentary status is this—

The VICE PRESIDENT. It has been answered by the Chair.

Mr. SMITH of Georgia. I did not hear the Chair.

The VICE PRESIDENT. The Chair said it was not in order.

Mr. McKELLAR. I want to offer the amendment when it is in order.

The VICE PRESIDENT. The pending amendment is the amendment of the Senator from Montana [Mr. MYERS] to the amendment.

The amendment to the amendment was agreed to.

Mr. HOLLIS. Mr. President, the only district court not now on the same basis as the others is the district court of Porto Rico, which is in the first circuit. I am not acquainted with the judge. The Senator from Alabama [Mr. UNDERWOOD] tells me he is a fine judge and a fine man. I believe it is the temper of the Senate, if we can judge from the speeches, that all these judges should be put upon the same scale. I shall certainly vote for that, and hope it may be adopted.

In order that the court in Porto Rico may not be the only one left with a smaller salary, I move in the Senate Committee bill as amended, after the word "Hawaii," to insert the words "and Porto Rico."

The VICE PRESIDENT. The question is on the amendment of the Senator from New Hampshire to the amendment of the committee as amended.

Mr. BRANDEGEE. Mr. President, I think it is desirable, if it were possible, to put all the judges upon the same basis, but the question is how to do that. Paying all the judges the same salary does not do it, because the cost of living varies so tremendously in the different districts. I am not informed as to what the cost of living of the judge in Porto Rico will be, but it is perfectly evident that it costs the Federal judge in one of the large metropolitan cities of the country much more to live than it does the judge in a small community. I do not know that the increase of the compensation of judges in proportion to the population of the district would be a fair measure as indicating the difference in the cost of living. I do agree, however, that, as a general rule, the salaries of all of the Federal judges should be increased. I know personally of instances where various Federal judges have been compelled to resign their office because they could not meet their family expenses. It is perfectly evident that a Federal judge who happens to reside in a country village, who happens to own a farm or be in the neighborhood of farms, where a great deal of the products come from, and has a modest house, if his salary is increased to \$9,000, say, and the judge in a metropolitan city is left at \$9,000, the judge in the smaller locality has a great advantage. It is not what is paid the man, it is what he can save out of his salary, if anything, that indicates whether he is overpaid or not.

I am in some doubt whether to vote for the amendment reported by the Judiciary Committee of the Senate or the House provision. It is impossible in a place like New York for a judge to lease a proper residence for himself and family for less than six or seven thousand dollars a year, which leaves him nothing at all with which to support his family.

It is easy enough for people to talk about rascally lawyers being judges, and so forth. Of course, if there are such, the executive branch of the Government and the Senate that confirms them are responsible for such judges, but there is not one in a million who ever becomes a Federal judge who is an improper character. The judges should be paid proper salaries. There are many Federal judges to-day who, at the small amount paid them, six or seven thousand dollars, or whatever it may be, if they left the bench, would make \$100,000 a year in the

locality where they are situated. They are simply detained upon the bench by the desire to occupy the honorable position afforded and by a feeling that they can render good service to their country.

I hope, whatever action the Senate takes, which will throw the matter into conference, that salaries at least as high as proposed by the House, and I hope higher, may finally be the outcome of this legislation. Ten thousand dollars a year would certainly not be excessive compensation for a circuit judge or a district judge of the United States.

It has been stated that in New York City the police magistrates get \$12,000 a year, and the supreme court judges, who are not judges of the highest court in that State, get \$17,500 a year; and the great United States Government, with tremendous questions coming before the Federal judiciary, pays its judges less than half what the judges get in the State of New York.

The VICE PRESIDENT. The question is on the amendment of the Senator from New Hampshire [Mr. HOLLIS] to the amendment.

The amendment to the amendment was agreed to.

The VICE PRESIDENT. The question is on the amendment of the committee as amended.

Mr. HOLLIS. Mr. President, a parliamentary inquiry. I do not understand from the way the bill is printed how far we are considering the Senate committee amendment.

The VICE PRESIDENT. We are considering the amendment on page 3, line 21.

Mr. HOLLIS. Why is not all in italics on pages 2, 3, and 4 a part of the amendment?

Mr. SMITH of Georgia. It is.

Mr. HOLLIS. But we have been considering it piecemeal. That is entirely satisfactory, if it is understood.

Mr. SMITH of Georgia. I think we have read the entire paragraph down to section 3.

Mr. THOMAS. I think we had better consider it section by section.

Mr. HOLLIS. I agree to that; but I want it understood, because I have an amendment to offer to section 4 when it is reached.

Mr. SMITH of Georgia. The apparent confusion about the sections is that section 2 contains certain sections of the Judicial Code, and from line 16, page 2, down to line 6, page 5, you have but one section.

The VICE PRESIDENT. The Chair is of the opinion that the vote first comes on this question: The original bill as it came from the House, down to line 15, on page 3. That is the part that the Senate committee amended. It undoubtedly goes to line 5, on page 5.

Mr. HOLLIS. Then the Senate committee amendment must be first perfected before the question of substitution arises. I desire to offer two amendments on page 4. I do this at the request of the Senator from Montana [Mr. WALSH] who has been obliged to leave the Chamber. The purpose of the amendment is to make sure that the judges of the old court of commerce shall be included with the other circuit judges. It will be recalled by the Senate that a few years ago the court of commerce, which handled appeals from the Interstate Commerce Commission, was abolished, but that the members of that court were continued as circuit judges and are now assigned to do circuit judge work in different parts of the country, and that they are doing it to the satisfaction of all concerned.

I think it is the intention of the Judiciary Committee to see that they are given the same increase in salary that other circuit judges get. In order to make that certain I will offer two amendments. On page 4 of the bill as printed, line 14, I move to strike out the word "the" before the word "circuit," and on the same page, line 19, after the word "appointed," I move to insert the words "or to which they may be assigned during the period of their assignment, respectively."

Mr. SMITH of Arizona. Will the Senator permit me to ask him a question?

Mr. HOLLIS. Certainly.

Mr. SMITH of Arizona. It will be moved by some one to strike out the whole Senate committee amendment, and I would suggest to the Senator the propriety of reserving his amendment until the vote is taken on whether this amendment to the whole section should be stricken out or not.

Mr. HOLLIS. In case the Senate committee amendment is adopted, which I think it will not be, it will be too late for my amendment. We must first perfect the part to be substituted before we vote on whether to substitute it, and I am endeavoring to perfect it in case we should be outvoted. I am quite sure that is the parliamentary situation.

Mr. SMITH of Arizona. Suppose we vote upon it, and after we put the amendment in we strike out section 2 as amended?

Mr. HOLLIS. My understanding is that if the Senate committee amendment as amended is adopted it will then be too late to offer further amendments to that amendment.

Mr. SMITH of Arizona. You could offer the amendment to the bill.

Mr. HOLLIS. I understand not.

Mr. SMITH of Arizona. As a separate section.

Mr. HOLLIS. I am supposing that the Senate committee amendment is adopted over our wish.

Mr. LODGE. May I ask the Senator from New Hampshire a question in regard to his amendment, with which I am in entire accord? Does not that need to be put into the original section also to perfect the text of the House bill?

Mr. HOLLIS. I am going to offer a similar amendment to take care of it before we vote on the substitute in the Senate. I intend to do that, but the phraseology will have to be different.

Mr. LODGE. It is desirable to perfect them both.

Mr. HOLLIS. I shall do that.

Mr. CUMMINS. Mr. President, I do not fully understand the amendment just offered by the Senator from New Hampshire. I wish he would explain it to me a little further.

Mr. HOLLIS. On page 4, line 14, at the beginning of the sentence, the words "The circuit judges shall receive" might be construed to mean the circuit judges who had been mentioned before. By striking out the word "the" all circuit judges are included, and that would include the judges who are now serving as circuit judges. Then their salary is to be dependent upon the salary allowed circuit judges in the circuit to which they happen to be assigned. For instance, if they are assigned to the New York circuit, they get the New York circuit pay. If they are assigned to some other circuit, they get the pay of that circuit. That is my understanding.

Mr. CUMMINS. The salary might be changed then from month to month or year to year.

Mr. HOLLIS. Yes; and that shows the inconsistency of it.

Mr. CUMMINS. Mr. President, a parliamentary inquiry. If the committee amendment is rejected, will the House text be open to amendment?

The VICE PRESIDENT. The Chair is not of that opinion. It is open to amendment now. It is open first to amendment. The rule is that where there is a motion to strike out and insert, the portion to be stricken out is open to amendment and the portion to be inserted is open to amendment, and the part to be stricken out is first open to amendment.

Mr. CUMMINS. I do not question the ruling of the Chair, but I am very anxious that those who have offered amendments to the committee amendment, the amendment relating to Hawaii and the amendment relating to Porto Rico and now relating to the four unassigned circuit judges, will offer their amendments also to the original text, so that we can have a fair vote as between the committee plan of adjusting salaries and the plan the House has adopted. I commend that to the Senators who have offered those amendments.

Mr. HOLLIS. I am quite sure the practice has been in the Senate for the past few years to hold that either the part to be inserted or the substitute may be amended at any time before the vote is taken.

The VICE PRESIDENT. There is no doubt about that. The only point is when two Senators are insisting upon an amendment, one to the original text and the other to the substitute, the amendment to the original text is first in order.

Mr. HOLLIS. That is my recollection about it.

The VICE PRESIDENT. There is no doubt about that. The Senator's amendment to the amendment is in order, and the question is on agreeing to it.

The amendment to the amendment was agreed to.

Mr. HOLLIS. I wish now to offer an amendment. On page 2, line 5, I move to strike out the word "they" and to insert "all circuit judges." That will have the effect of including the four circuit judges at large, so to speak.

The amendment to the amendment was agreed to.

Mr. HOLLIS. Now, to take care of Hawaii and Porto Rico in the original text, on page 1 of the bill as printed, line 7, after the word "judges," I move to insert "including the district judges of Porto Rico and Hawaii."

Mr. SMITH of Arizona. I do not know exactly the nature of the courts in Hawaii or Porto Rico. I know that under the Territorial law there was no such thing as a United States district court or a United States circuit court; but the appointee of the President exercised jurisdiction of the Federal and district courts, and they were at the same time the judges of courts of original jurisdiction under the Territorial law. If this is confined to district judges and they are not in fact district judges, it might show some little lack of investigation as far as we are concerned in passing the act.

Mr. THOMAS. I would suggest, then, to the Senator from New Hampshire, in view of what the Senator from Arizona has said, that his amendment be changed so as to read:

And the United States judges in Porto Rico and Hawaii.

If they are not district judges, certainly they are United States judges.

Mr. SMITH of Arizona. "Judges exercising Federal jurisdiction." It seems to me that might be better. They might be district judges for aught I know.

Mr. THOMAS. It all depends upon the phraseology of the act creating the Territories of Hawaii and Porto Rico.

Mr. SMITH of Arizona. Exactly.

Mr. HOLLIS. Following that suggestion, I will change the amendment. I move to insert after the word "judges" in the seventh line, page 1, the words "including judges in Porto Rico and Hawaii exercising Federal jurisdiction." I think that will cover it.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. KELLOGG. I move to amend by striking out on line 8, page 1, in the House text, the figures "\$7,500" and inserting in lieu thereof "\$9,000"; and by striking out in line 6, on page 2, in the House text, "\$8,500" and inserting "\$10,000."

The VICE PRESIDENT. The question is on the amendment of the Senator from Minnesota.

On a division, the amendment was agreed to.

Mr. THOMAS. Mr. President, I am not in favor of these increases at this time. I believe in paying the Federal judiciary well, but I am not prepared to support these increases now. If they are to be made, however, they should be uniformly made, and commensurate with the importance of the courts presided over by the judges to be affected by the bill.

I therefore propose an amendment. On page 5, I move to strike out lines 11, 12, 13, and 14 and to insert the following:

The Chief Justice of the Court of Appeals of the District of Columbia shall receive a salary of \$10,000 a year, and each of the associate justices thereof the sum of \$9,500 a year, payable monthly. One-half shall be paid from the revenues of the District of Columbia and one-half from the Treasury of the United States.

I have a memorandum which states—

The VICE PRESIDENT. The amendment is not in order.

Mr. THOMAS. Why not?

The VICE PRESIDENT. Because we are considering another amendment.

Mr. THOMAS. That is a very good reason. When the bill was taken up the Senator having charge of the bill asked unanimous consent to consider the amendments of the committee first.

The VICE PRESIDENT. That is true.

Mr. THOMAS. Objection was made, and consequently I do not understand that this amendment is not in order.

The VICE PRESIDENT. The present amendment the Senate is considering—

Mr. THOMAS. If the Chair will allow me another word, I accept the ruling of the Chair and will offer the amendment later.

The VICE PRESIDENT. The pending amendment ends at line 5, on page 5. The question is on the amendment of the committee as amended.

Mr. CUMMINS. Upon that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CURTIS (when his name was called). I have a pair with the junior Senator from Georgia [Mr. HARDWICK] which I transfer to the Senator from New Jersey [Mr. BAIRD] and vote "nay."

Mr. KNOX (when his name was called). I announce my pair with the senior Senator from Oregon [Mr. CHAMBERLAIN]. In his absence I withhold my vote.

Mr. SAULSBURY (when his name was called). I think my general pair, the senior Senator from Rhode Island [Mr. COLT], would vote as I am about to vote, but, out of an abundance of caution, I transfer my pair with that Senator to the senior Senator from Nebraska [Mr. HITCHCOCK] and will vote "nay."

Mr. SMITH of South Carolina (when his name was called). I have a general pair with the Senator from South Dakota [Mr. STERLING], and in view of his absence I withhold my vote.

Mr. SUTHERLAND (when his name was called). I inquire, Has the senior Senator from Kentucky [Mr. BECKHAM] voted?

The VICE PRESIDENT. He has not.

Mr. SUTHERLAND. I have a pair with that Senator, and he not being present I withhold my vote.

Mr. THOMAS (when his name was called). I transfer my pair with the senior Senator from North Dakota [Mr. McCUMBER] to the Senator from Oklahoma [Mr. GORE] and vote "nay."

The roll call was concluded.

Mr. WATSON (after having voted in the negative). I have a general pair with the junior Senator from Delaware [Mr. WOLCOTT]. I transfer that pair to the senior Senator from New York [Mr. WADSWORTH] and will permit my vote to stand.

Mr. KELLOGG. I have a general pair with the Senator from North Carolina [Mr. SIMMONS], but I transfer that pair to the Senator from Maine [Mr. FERNALD] and vote "yea."

Mr. McNARY. I desire to announce the absence of my colleague [Mr. CHAMBERLAIN] on account of official business.

Mr. BRANDEGEE. I am paired with the senior Senator from Tennessee [Mr. SHIELDS], and therefore withhold my vote.

Mr. SAULSBURY. I desire to announce that my colleague [Mr. WOLCOTT] is absent from the Senate this afternoon on official business.

Mr. FRELINGHUYSEN. I transfer my general pair with the junior Senator from Montana [Mr. WALSH] to the junior Senator from Missouri [Mr. SPENCER] and vote "yea."

Mr. LEWIS. I desire to announce that the Senator from California [Mr. PHELAN], the Senator from Oregon [Mr. CHAMBERLAIN], and the Senator from Montana [Mr. WALSH] are detained on official business.

Mr. MYERS (after having voted in the affirmative). I have a pair with the Senator from Connecticut [Mr. McLEAN]. He seems not to have voted. I therefore transfer my pair with that Senator to the Senator from California [Mr. PHELAN] and will allow my vote to stand.

The result was announced—yeas 10, nays 45, as follows:

YEAS—10.

Calder	Hale	Lewis	Smith, Ga.
Fletcher	Kellogg	Myers	
Frelinghuysen	King	Poincxeter	

NAYS—45.

Ashurst	Jones, N. Mex.	Penrose	Swanson
Bankhead	Jones, Wash.	Pittman	Thomas
Cummins	Kirby	Pollock	Townsend
Curtis	La Follette	Pomerene	Trammell
France	Lodge	Ransdell	Underwood
Gay	McKellar	Reed	Warren
Gerry	McNary	Saulsbury	Watson
Harding	Martin, Ky.	Shafroth	Weeks
Henderson	Moses	Sheppard	Williams
Hollis	New	Smith, Ariz.	
Johnson, Cal.	Nugent	Smith, Mich.	
Johnson, S. Dak.	Page	Smoot	

NOT VOTING—41.

Baird	Gore	Nelson	Spencer
Beckham	Gronna	Norris	Sterling
Borah	Hardwick	Overman	Sutherland
Brandegge	Hitchcock	Owen	Thompson
Chamberlain	Kendrick	Pheasant	Vardaman
Colt	Kenyon	Robinson	Wadsworth
Cullerson	Knox	Sherman	Walsh
Dillingham	Lenroot	Shields	Wolcott
Fall	McCumber	Simmons	
Fernald	McLean	Smith, Md.	
Goff	Martin, Va.	Smith, S. C.	

So the committee amendment as amended was rejected.

The VICE PRESIDENT. The Secretary will state the next committee amendment.

Mr. THOMAS. Mr. President, I now wish to renew the motion which I tried to make a few moments ago.

Mr. HENDERSON. Will the Senator from Colorado yield for just a moment?

Mr. THOMAS. I will.

Mr. HENDERSON. There is an amendment on the table which I had printed a few days ago which I think covers the matter the Senator from Colorado has in mind. If he will allow the Senate committee amendment to be read, and then permit my amendment to be stated, he will see how nearly my amendment conforms to the amendment which he intends to offer.

Mr. THOMAS. Very well.

The VICE PRESIDENT. The Secretary will state the committee amendment.

The SECRETARY. It is proposed by the Committee on the Judiciary to insert as a new section, on page 5, the following:

SEC. 3. That the judges of the Supreme Court of the District of Columbia shall receive salaries upon the same basis as salaries provided by this act to be paid to judges of district courts of the United States, and such salaries shall be paid as now provided by law.

The judges of the Court of Appeals of the District of Columbia shall receive salaries upon the same basis as the salaries provided by this act to be paid to judges of the circuit courts of appeals of the United States.

Mr. HENDERSON. If the Senator from Colorado will now allow the Secretary to read my proposed amendment to take the place of section 3, as reported by the committee, he will see how it conforms to his amendment.

Mr. THOMAS. I have no objection to that being done.

The VICE PRESIDENT. The amendment proposed by the Senator from Nevada to the amendment of the committee will be stated.

The SECRETARY. In lieu of the committee amendment just stated it is proposed to insert:

That the judges of the Supreme Court of the District of Columbia shall each receive an annual salary of \$9,000, and the chief justice of said court shall be paid a salary of \$9,500, said salaries to be paid as now provided by law.

The judges of the Court of Appeals of the District of Columbia shall each receive an annual salary of \$10,000, and the chief justice of said court shall receive an annual salary of \$10,500.

Mr. THOMAS. Mr. President, if the Senator from Nevada will consent to the substitution of \$9,500 for \$10,000 in the last clause of his amendment, I will not offer the amendment which I have in mind.

Mr. HENDERSON. I will accept that modification of the amendment, Mr. President.

Mr. THOMAS. Mr. President, for the information of the Senate, I ask that the memorandum which I send to the desk regarding the amendment be read. I desire to say before taking my seat that I think if this bill is to be enacted at all it should include the amendment offered by the Senator from Nevada. For the reasons heretofore stated, however, I shall vote against the bill.

Mr. WARREN. Mr. President, the amendment as now proposed to be amended comprehends the amendment which I had already submitted and had printed; and I shall be glad to support the amendment as now offered by the Senator from Nevada, with the modification proposed by the Senator from Colorado [Mr. THOMAS], which the Senator from Nevada has accepted. I trust the amendment will be adopted and that the bill containing it will pass.

The VICE PRESIDENT. The Senator from Colorado has asked that the memorandum which he has sent to the Secretary's desk be read. If there is no objection, it will be read. The Chair hears none.

The Secretary read as follows:

Memorandum. In re H. R. 12001, concerning the increase in the salaries of Federal judges in its relation to the courts of the District of Columbia.

THE BILL AMBIGUOUS.

The Senate Committee on the Judiciary have reported certain amendments to the above-mentioned bill which provide, in effect, that the justices of the "Court of Appeals of the District of Columbia shall receive salaries upon the same basis as the salaries provided by this act to be paid to judges of the Circuit Courts of Appeals of the United States."

This is ambiguous. The act declares that the circuit judges shall receive \$1,000 in excess of the highest salary paid to any of the district judges of the districts comprised within the judicial circuit for which the circuit judges shall be appointed. But there is no district judge in the District of Columbia. How, then, can the salary to be paid to the justices of the Court of Appeals of the District of Columbia be measured?

DISCRIMINATION.

If we assume that the salary of the justices of the Court of Appeals of the District of Columbia is to be measured by the salary paid to the justices of the Supreme Court of the District, each would receive only \$8,000 a year, while the salary to be paid under the bill to circuit judges in circuits not doing half the work that is done by the court of appeals in this district is \$10,000 a year, as will appear in a minute.

THE WORK DONE.

Herewith is a statement showing the number of cases disposed of by the Court of Appeals of the District of Columbia during the 25 years of its existence and the number of cases disposed of during the same period by the different circuit courts of appeals. This statement was prepared from the reports of the Attorneys General. It shows that the Court of Appeals of the District ranks third in the number of cases disposed of, yet the bill puts it lowest in point of salary.

To the suggestion that the number of cases disposed of by a court is not the correct criterion by which to judge the quantity of business done, because one case may take three weeks or a month to try, while another may be disposed of in a few hours, the answer is (a) that this is not true of appellate courts, for it is a rare thing for such courts to devote more than four hours to the hearing of a case; and (b) it is true of all trial courts. Five months were given to the trial of the Hutchins will case in the Supreme Court of the District of Columbia, six weeks to the trial of the Hammond-Sully case, and more than a week to the trial of the Goddard case.

Moreover, two of the circuit courts of appeals, for the judges of whom the bill provides \$10,000 a year, have four judges, while the District Court of Appeals has only three. Furthermore, it is a matter of common knowledge amongst practitioners that practically every circuit court of appeals in the United States calls in district judges to assist, and that in some circuits it is a rare thing to find more than one circuit judge at a sitting. The court is usually made up of one circuit judge and two district judges, so that in practice nearly all of the circuit courts utilize the services of from 10 to 12 judges. When this is considered, it becomes apparent that the work done by the District Court of Appeals entitles it to be placed at the head and not at the foot of the column.

JURISDICTION.

The jurisdiction of the Court of Appeals of the District of Columbia is broader than that of any circuit court of appeals. It comprehends not only all Federal but also all State jurisdiction. Besides, the court has a special jurisdiction of appeals from the Patent Office and from

the action of the Postmaster General in certain matters. The wide scope and practical importance of the court's jurisdiction are further indicated by the fact that it has power to control by mandamus or injunction the actions of the Secretary of the Treasury (Newman v. Moyers, 47 App. D. C. 102), the Secretary of the Interior (United States v. Hitchcock, 190 U. S. 316), and the Interstate Commerce Commission (United States v. Interstate Commerce Commission, 246 U. S. 638). This jurisdiction is often invoked, and at times affects property of great value in different parts of the country.

The decisions of the Court of Appeals of the District of Columbia are final in substantially the same class of cases as those in which the action of the circuit courts of appeals is final.

THE SALARY OF CHIEF JUSTICES.

Assuming that the bill places the salary of the justices of the District Court of Appeals at \$8,000, it will raise each of the associate justices \$1,000 and the chief justice only \$500. When the court was formed, in 1893, 25 years ago, the salary of the associate justices was fixed at \$6,000 per year and that of the chief justice at \$6,500 (27 Stat., 434). In 1903, or 10 years afterwards, the salary of each of the associate justices was increased to \$7,000 a year and that of the chief justice to \$7,500 (32 Stat., 825). The salaries have remained at those figures ever since. The bill wipes out this distinction between the chief justice and associate justices and, as has been observed, raises the salary of the associate justices \$1,000 a year, while that of the chief justice is raised only \$500.

The chief justice of the Court of Claims, according to the bill, will continue to receive \$500 in addition to the salary paid to the associate justices of that court.

The chief justice of the Supreme Court of the District of Columbia receives \$500 more than any of his associates (39 Stat., 119).

The Chief Justice of the Supreme Court of the United States receives \$500 more than any of his associates (32 Stat., 825).

This shows that it has been the legislative custom to pay a chief justice \$500 more than his associates.

SUMMARIZATION.

To summarize, the cost of living in the District of Columbia is certainly as high as in any other place in the United States. The volume of business done by the Court of Appeals of the District of Columbia is more than that of any circuit court of appeals in the United States, save two. The jurisdiction of that court is more comprehensive than that of any circuit court of appeals, and the litigation which comes before it is as important as that with which any circuit court of appeals has to deal. Why, then, should not the salary of the justices of the District Court of Appeals be as high as that of the judges, for instance, of the third circuit or of the first circuit, where the business done is considerably less than in the District of Columbia, as shown by the statement attached hereto.

WHAT WOULD BE FAIR.

The average salary provided in the bill for judges of the circuit court of appeals, as shown by the attached statement, is a little less than \$9,500. It would seem that the justices of the Court of Appeals of the District of Columbia should have at least that, and the chief justice \$10,000, or \$500 additional, as heretofore.

This could be accomplished by striking out lines 11, 12, 13, and 14, on page 5, and substituting therefor the following:

"The chief justice of the Court of Appeals of the District of Columbia shall receive a salary of \$10,000 a year and each of the associate justices thereof the sum of \$9,500 a year, payable monthly; one-half shall be paid from the revenues of the District of Columbia and one-half from the Treasury of the United States."

Number of cases disposed of by circuit courts of appeals and the Court of Appeals of the District of Columbia, 1893 to 1918, inclusive.

[Compiled from annual reports of the Attorney General.]

	Number of judges.	Cases disposed of 1893 to 1918, inclusive.	Proposed salaries.
Second circuit	4	6,195	\$10,000
Eighth circuit	4	4,989	9,500
Court of Appeals, District of Columbia	3	4,402	8,000
Fifth circuit	3	3,139	8,500
Sixth circuit	3	3,091	9,500
Ninth circuit	3	2,985	8,500
Seventh circuit	4	2,613	10,000
Third circuit	3	2,342	10,000
Fourth circuit	2	1,613	8,500
First circuit	3	1,280	10,000

Court of Appeals, District of Columbia, organized in 1893.

The court opens its October term (1918) with 18 per cent more cases on the calendar than the highest previous year in its history.

Mr. SMITH of Georgia. Mr. President, I have this suggestion to make in reference to increasing the salaries of the judges of the Supreme Court and of the Court of Appeals of the District of Columbia. I am ready to accept for the committee an amendment making the salaries of the judges of the Supreme Court of the District of Columbia equal to the salaries of the judges of the district courts of the United States, the two classes of judges occupying very much the same position, and making the salaries of the judges of the Court of Appeals of the District the same as the salaries of the judges of the circuit courts of appeal. This could be done very easily by striking out in line 7 the word "upon," and striking out in line 8 the word "basis," and pursuing the same course in line 12, so that section 3 would then read:

Sec. 3. That the judges of the Supreme Court of the District of Columbia shall receive salaries the same as salaries provided by this act to be paid to judges of district courts of the United States, and such salaries shall be paid as now provided by law.

The judges of the Court of Appeals of the District of Columbia shall receive salaries the same as the salaries provided by this act to be paid to judges of the circuit courts of appeals of the United States.

Mr. HENDERSON. Mr. President, I am very glad to accept that amendment, and I will ask to be allowed to withdraw the amendment I have offered to section 3.

The VICE PRESIDENT. The question is on the amendment of the Senator from Georgia to the amendment reported by the committee.

Mr. WILLIAMS. Mr. President, I should like to ask the Senator in charge of the bill how much of an advance of salary will probably be involved as the provision stands now?

Mr. SMITH of Georgia. This modification involves no advance. It depends entirely—

Mr. LEWIS. It really operates as a reduction, does it not?

Mr. SMITH of Georgia. It depends entirely upon how section 118 is adopted. It simply puts the judges of the Supreme Court of the District of Columbia and the judges of the Court of Appeals of the District of Columbia upon the same basis as district judges and judges of the circuit courts of appeals, respectively. Where those salaries shall finally be left is another question; but I undertake to place the Supreme Court judges of the District, who are really United States district judges, under another name, and the judges of the Court of Appeals of the District, who are really judges of United States circuit courts of appeals under another name, on the same basis as all other district judges and judges of the circuit courts of appeals.

Mr. WILLIAMS. I should like to ask the Senator from Georgia if he thinks that the Supreme Court and Court of Appeals judges of the District of Columbia are upon the same basis as a matter of duty and as a matter of dignity with the other judges to whom he has referred?

Mr. SMITH of Georgia. Yes; I think so. The judges of the Supreme Court of the District have all the jurisdiction that is vested in a district judge of the United States, plus the local jurisdiction attaching to them as being charged with the duties ordinarily pertaining to a superior or district court judge of a State. The Court of Appeals of the District has all the jurisdiction of a circuit court of appeals of the United States, and a vast number of important cases come to that court growing out of governmental responsibilities attaching to citizens of the District of Columbia.

Mr. WILLIAMS. As I understand, then, this proposition involves no advance in salary.

Mr. SMITH of Georgia. Not unless the salaries of the other judges are advanced.

Mr. WILLIAMS. And that that proposition is to be later considered by the Senate?

Mr. SMITH of Georgia. That is still before the Senate.

Mr. WILLIAMS. It is to come up before the Senate for subsequent consideration.

Mr. WARREN. Mr. President, I wish to say that the Court of Appeals of the District of Columbia has not only the duties of the ordinary circuit court of appeals but it has a class of business peculiar to itself. It is also the only court to which patent business is referred in case of appeal from the Commissioner of Patents; and in the number of cases disposed of, according to the Report of the Attorney General, the Court of Appeals of the District of Columbia ranks third among the 9 or 10 circuits of the United States in the amount of business transacted—the number of cases adjudicated.

Mr. FLETCHER. Mr. President, the inquiry of the Senator from Mississippi [Mr. WILLIAMS] raises a question which I think is important now. I should like to ask whether or not section 1 and section 2 have been adopted as amended? I do not understand that any vote has been taken upon the adoption of those sections as they appear in the House bill as amended. The vote was taken upon the question of striking out the House provision and inserting in lieu thereof section 2, as proposed by the Senate committee amendment, and the amendment of the Senate committee was rejected. There were certain amendments, I believe, adopted to the House provision, but the provision as amended has not been voted on, as I understand.

The VICE PRESIDENT. We will vote on that when we get to a vote on the bill.

Mr. FLETCHER. Then, the status up to this time is that the salary of the district judges is to be fixed at \$8,500 a year, as I understand, under the amendment of the Senator from Minnesota [Mr. KELLOGG].

Mr. KELLOGG. The salary of district judges is to be \$9,000 and of circuit judges \$10,000.

Mr. FLETCHER. That is worse and worse. I think that is a great mistake. I was expecting that the Chair would put the

question on the adoption of that provision in the bill as amended.

The VICE PRESIDENT. The Chair did, and it was adopted. Mr. FLETCHER. I thought the question was upon the substituting for the House provision the Senate committee amendment.

The VICE PRESIDENT. That was voted down.

Mr. FLETCHER. We refused to do that. But is there not a further question on whether or not section 2 as amended shall be agreed to?

The VICE PRESIDENT. It was amended before the Senate voted on the substitute. The Senate did vote on the amendment to make the salaries \$9,000 and \$10,000.

Mr. FLETCHER. I merely want it understood that I think a great mistake was made in doing that. I think it will tend to defeat the whole bill.

Mr. LODGE. Mr. President, I desire to offer an amendment.

The VICE PRESIDENT. Let us first dispose of the pending amendment.

Mr. LODGE. I beg pardon; I thought that it had been disposed of.

The VICE PRESIDENT. The amendment of the Senator from Georgia [Mr. SMITH] has not been agreed to. The question is on agreeing to section 3 as amended. Without objection, the amendment as amended is agreed to.

Mr. LODGE. I offer an amendment to be inserted on page 6, between lines 3 and 4.

The VICE PRESIDENT. There are two committee amendments prior to that, which the Secretary will state.

The SECRETARY. On page 5, line 15, it is proposed to change the number of the section from "3" to "4."

The VICE PRESIDENT. Without objection, the amendment is agreed to.

The SECRETARY. On page 5, line 16, after the word "amended," it is proposed to insert the words "so as."

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. LODGE. I now ask that my amendment be stated.

The SECRETARY. On page 6, after line 3, it is proposed to insert a new section to be known as section 4½—

Mr. LODGE. The number can be changed if desired.

The SECRETARY. It is proposed to insert a new section, as follows:

SEC. 4½. That the presiding judge and the associate judges, respectively, of the United States Court of Customs Appeals shall receive salaries equal in amount to the salaries provided by this act to be paid the chief justice and other judges, respectively, of the Court of Claims, payable monthly from the Treasury.

Mr. POMERENE. Mr. President, may I ask the Senator what those salaries are now?

Mr. LODGE. The salaries now are \$7,000.

Mr. POMERENE. I refer to the salaries of the judges of the Court of Claims.

Mr. LODGE. The salary of the judges of the Court of Claims at this time is \$6,500, but that salary is raised by this bill to \$7,500, and the salary of the chief justice to \$8,000. The increase in the case of the Court of Customs Appeals is much smaller than in the case of the Court of Claims. The judges of the Court of Customs Appeals were originally paid, under the act creating that court, \$10,000, which amount was reduced by a provision of the code to \$7,000. The amendment I have offered simply puts them on the same basis as the judges of the Court of Claims.

Mr. POMERENE. I have no objection to the Senator's amendment, save that it was my understanding that when this court was first created it was planned to make the salary of those judges \$10,000 a year.

Mr. LODGE. That was provided in the organic act creating the court.

Mr. POMERENE. That was done when the court was first created?

Mr. LODGE. Yes.

Mr. POMERENE. Then, afterwards, they were reduced in order to keep the salaries of the judges of that court on an equality with the salaries of the circuit judges?

Mr. LODGE. Yes.

Mr. POMERENE. The only objection I have to the Senator's amendment is that it seems to me, instead of making the salary of the judges of the Court of Customs Appeals to correspond with the salary of the judges of the Court of Claims, they should be made to harmonize with the salaries of the circuit judges as proposed in the amendment which we have just adopted.

Mr. UNDERWOOD. Mr. President, if the Senator will yield to me for a moment, I desire to say that I intend to offer an amendment to the bill, now that the other salaries have been

increased, to put the salaries of the judges of the Court of Claims on the same basis as the salaries of judges of the circuit courts. That is where they belong, and I intend to offer that amendment; but it properly comes in prior to this point in the bill.

Mr. LODGE. I am very glad the Senator is going to do that. I think the judges of the Court of Claims ought to be paid that salary.

Mr. HOLLIS. Mr. President, will the Senator permit me to make a suggestion?

Mr. UNDERWOOD. Yes.

Mr. HOLLIS. I think it is clear that the salary of the judges of the Court of Customs Appeals should be the same as the salary of the judges of the Court of Claims, and if the amendment of the Senator from Massachusetts should be voted on and adopted, then it would be in order to increase, if the Senate sees fit to do so, the salaries of the judges of the Court of Claims. So, I think the amendment of the Senator from Massachusetts should be voted on first.

Mr. UNDERWOOD. There is no conflict; I merely wanted to suggest that I was going to offer such an amendment.

Mr. LODGE. I am very glad the Senator is going to do so, for I think it ought to be done.

Mr. WILLIAMS. Mr. President, I understand that the Senator from Alabama bases his contention upon the fact that the other salaries have been raised. I do not understand that they have been. I understand that the committee has reported in favor of raising them.

Mr. UNDERWOOD. My phraseology was misleading. They have been raised as far as the text of the bill stands now, and that is as far as I desired to go in my statement.

Mr. WILLIAMS. I was afraid that expression might create a wrong impression upon the minds of the Members of the Senate. Of course, if these other salaries had been raised, then this salary perhaps ought to be raised; but they have not been raised, and I hope they will not be raised, and therefore the argument falls to the ground. It is like the little child that went out and thought it saw a dead chicken on the sidewalk, and said: "If it had been dead, mamma, I wonder who killed it?"

Mr. President, I do not see why everybody in the United States ought to be appealing to the Congress of the United States to-day for higher salaries and higher pay, at a time when every particle of patriotism there is in a human being ought to appeal to us to be satisfied with what we have, and not to seek anything more.

Of course, I understand the argument about a higher cost of living, and all that; but we have all had to meet that. People who did not have but \$600 a year had to meet that. People who did not have but \$1,000 a year had to meet the higher cost of living. All of us have had to do that. Why should these judges be promoted to \$8,000, \$9,000, \$10,000 a year? What sacrosanct principle is it that makes them entitled to it?

I hope the Senate will not be misled by the argument that other salaries are going to be advanced into voting to advance certain salaries, because if the Senate acts upon that idea, then we will have a sort of a confederacy of interest. Every friend of every judge who wants his salary increased will be voting for it upon the theory that some other judge's salary is to be increased, and when you get through you have got a sort of a trust, a sort of a legislative-enactment trust, to bundle them all together, and then bundle them all up at the higher rates. It does seem to me that this is a time when the ordinary patriotic American citizen ought not to be asking for higher pay, but ought to be volunteering to serve for less pay, if necessary, or at least expressing his willingness to serve for the same pay.

I hope this amendment will not be adopted, because if it is it just adds five or six or seven Senators who are interested by friendship to the list of those who will be interested by other friendships in increasing salaries all along the line.

Mr. TRAMMELL. Mr. President, if I am correctly informed, the bill at present stands amended so as to provide a salary of \$9,000 for the district judges and \$10,000 for the circuit judges.

The VICE PRESIDENT. That is correct.

Mr. TRAMMELL. Mr. President, in my observation I have found that the Federal judgeship is almost always the coveted goal of the average lawyer, and of good lawyers, at the salaries that have been paid heretofore. In considering the question of increasing the salaries of the employees here in the District of Columbia, those carrying on the governmental work of the various departments, this body, as well as the one at the other end of the Capitol, has gone on record as being opposed to increasing salaries in excess of 10 per cent, and that has been limited to a maximum salary of \$2,500. We think that when we come to deal with the average young man or young woman working for the

Government here for the mere pittance of \$1,000 or \$1,200 a year—many of them merely eking out an existence, you may say—we must be so economical, we must so safeguard the interests of the taxpayers of this country, that we tell them that they must not receive an increase of more than 10 per cent; and if they are enjoying a remuneration in excess of \$2,500 a year, then they can not participate in an increase at all.

I have a great deal of respect for the judiciary of this country. I appreciate and esteem the legal profession. I am not one of those that are given to criticizing the judiciary, or that would detract from the men who compose the legal profession. We have no more patriotic, no more intelligent, no more loyal class of citizens than the members of the bar of our country. But, Mr. President, I say that in dealing with them we should deal with them just as we do with every other Government employee. We should deal with them with that same fair hand of justice tempered neither by favoritism nor by prejudice, that we deal with others who are serving our Government, others who are being paid by the taxpayers of this country.

Mr. President, my sympathy and my feelings of interest may be aroused; I may become concerned and sympathize with the average employee who is making only \$1,200 or \$1,500 a year. When you talk about increasing and raising his salary, I realize at once that there is merit in the contention. When you talk about such a young man or young woman not having sufficient upon which to live, and not having sufficient to even furnish himself or herself with the necessities of life, I can understand that; but when you go to talking about officers receiving \$6,000 and \$7,500 per annum and allowed their expenses when they are traveling in different parts of their district and allowed their per diem for their hotel bills, with working quarters furnished free, being pauperized and objects of pity I can not quite appreciate the appeal for pity.

I have seen this question agitated before about raising the salaries of the judiciary. I have heard it proclaimed that by doing so you will increase efficiency upon the bench. I have seen the salaries increased, and I have seen the same judge who was sitting upon that same bench at the old salary occupying it again at the increased salary; and that is going to be true throughout this country.

Mr. WILLIAMS. Or an inferior judge succeeding him.

Mr. TRAMMELL. Very, very aptly put, Mr. President. I have sometimes seen an inferior judge succeeding him at the increased salary.

I do not think this is a very appropriate time to talk about increasing the salaries of those who are already getting sufficient remuneration to call to these positions of trust and honor and responsibility among the very best legal minds and talents of our country. Taking the bench of this country as a whole, it is composed of intelligent, patriotic, and efficient officials. It is only now and then we find a misfit. If increasing their salary is to be a benefit going directly to those occupying the bench at the time, there is no use of trimming our sails in order to make it appear that it is for the purpose of building up the efficiency or the dignity of the courts. It is not that. It is purely a matter of increasing the salaries of those who to-day are occupying these positions.

This body has passed a bill authorizing an additional judge in my State. You would not think there was any scarcity of splendid material to fill that office if you knew as much of the situation, and of the aspirants to it, as my colleague and myself know. There are a number of the best lawyers in the State who are anxious and willing to have the honor thrust upon them; and that is true throughout the country.

Mr. WILLIAMS. And, by the way, Mr. President, I should like to ask the Senator from Florida a question. Is it not a part of his experience that lawyers will frequently give up incomes, say, of \$10,000 to take a position for life upon the Federal bench at \$6,000, and are glad to do it, because \$6,000 a year as a certainty and for life is so much better than a problematical \$10,000?

Mr. TRAMMELL. Mr. President, the statement of the distinguished Senator from Mississippi is very correct. As I stated at the outset of my argument, my observation has been that a judgeship upon the Federal bench is the coveted goal of the average lawyer of the country; and it is not confined to two-by-four lawyers, but applies to our most distinguished and capable lawyers.

What is \$6,000 or \$7,000 a year in the way of salary? That comes absolutely without any expenditure upon the part of the judge who enjoys it. You take an attorney making \$10,000 or \$12,000 per annum, with his office force to maintain, with his traveling expenses and his hotel bills, and he is not making any more net income than the lawyer who occupies the bench and receives his \$6,000 or \$7,000 a year without any expenses to

pay. Do you think that the taxpayers of this country feel at this particular time, when they are already so heavily burdened, that you should increase the salaries of these judges so as to give them an income in excess of that of the lawyers making \$10,000 or \$12,000 a year in private practice? That is, it is equivalent to that as far as the net income is concerned. There is a wonderful difference between the gross amount of a lawyer's income and the net salary paid by the Government.

This bill now provides for \$9,000 and \$10,000 a year salary for district and circuit judges, respectively. I do not believe we should increase the salary to any such amount unless we are going to extend to every branch of this Government such magnanimity, such consideration for Government employees in other branches of the service.

Mr. WILLIAMS. Mr. President, I should like to ask the Senator from Florida one more question. Now that the people of the United States will probably have to help feed Belgium and Serbia and Roumania and northern France and Mesopotamia and Syria and Palestine, and later on perhaps even our enemies, Germany and Austria and Hungary, is this a time for men who love their country to be consenting, even, to receive increased salaries, when they already are getting enough to live on and to live comfortably?

Mr. TRAMMELL. Mr. President, I think the suggestions made by the Senator from Mississippi are very appropriate, and I feel myself that in the case of those who are receiving ample salaries at the present time it does not come with very good grace to seek an increase with the burdens upon our Republic at this time.

Take the judiciary of the States, Mr. President. A very large majority of the States only pay their circuit court judges salaries of \$4,000 or \$5,000 per annum. In my own State they receive a salary of \$4,300 per annum, and are required to defray their own traveling expenses. You go to the supreme court—and I refer with pride to the Supreme Court of Florida, because we have none throughout this country that surpasses it or is its peer as a court composed of able, efficient, and well-trained lawyers—yet members of our supreme court receive the very small salary of \$4,500 a year. I say "small." The members of the bar of that State do not seem to think so, if the question of the salary is the only thing that induces them to go upon the bench, because as each election rolls around you find various lawyers who are on the outside looking in, seeking to have the people of that State place them upon the supreme court bench at \$4,500 a year. You go into the executive branch of the governments of the various States; I very hurriedly glanced over the list of the salaries paid by the different States, and I find that there are only about eight governors throughout the Union who receive compensations in excess of \$7,000. Large States like New York, Illinois, Pennsylvania, Ohio, and a few others pay salaries in excess of \$7,000 per annum, but a very large majority of the States fix salaries ranging from \$4,000 to \$6,000 and \$7,000 per annum. I should say that the average would possibly be around five or six thousand dollars per annum.

Of course, I know it will be contended here that these judges do not save anything out of their salaries, and that may be true with some of them; but when you consider that the judge of a Federal court has his appointment handed to him upon a silver platter, as far as any expense connected with his procuring it is concerned, and when you consider that when he has served a certain length of time and reached a certain age he is retired to private life with his full salary, I think they are being pretty well paid at the present time. They at least have a good living and an assurance of comfort in old age.

We had up here before us on one occasion the matter of increasing from \$10,000 to \$12,000 the salary of certain officials connected with the Federal Government. I said at that time that I was not willing to lend my voice nor was I willing to join in the advocacy of increasing the larger salaries until we did justice by those who were drawing the smaller salaries. It is a rather peculiar thing. Very often you find a man who thinks that the official who is already well paid should have his salary increased; but when the day comes to deal with a raise for those receiving a smaller salary, some of those who championed raising the high salary turn topsy-turvy, take a slide upon the toboggan, do the acrobatic stunt, and you find them opposing raising the salary of the man who is getting twelve or fifteen or eighteen hundred dollars per year, because, as they claim, he is getting along very nicely and getting all he is worth.

The Senator from Mississippi [Mr. WILLIAMS] very wisely suggests that "to him that hath shall be given, and from him that hath not shall be taken away."

Mr. LEWIS. Mr. President, the Senator can not give the Senator from Mississippi credit for that. It is from St. Mark.

Mr. TRAMMELL. I give the Senator from Mississippi credit for his quotation. Whether or not he is exactly correct in the quotation does not make any particular difference. It fits very nicely indeed, and is a good guess. [Laughter.]

Mr. President, I am opposed to the bill in its present form, and hope that it will not be passed as amended, giving, as I stated before, at present, in the form in which it is amended, a salary of \$9,000 to the district judges and \$10,000 to the circuit judges. My opposition to this is not based upon any feeling other than that of the highest respect and consideration for the judiciary of the country. I realize that the judiciary is one of the great bulwarks of this country for our protection and defense, for the security of a civilized people, and that the judges should enjoy a reasonable salary; but I believe, when everything is considered and the present conditions of our country are taken into account, that it would not be right, it would not be justice to the taxpayers of this country, to increase the salaries up to nine and ten thousand dollars, as provided in this measure.

Mr. LODGE. Mr. President, I simply desire to call attention to the fact that the amendment which I have offered has nothing to do with rates. It simply puts one court, which I think should not have been omitted, on the same basis as the other court, whatever that basis may be.

The VICE PRESIDENT. The question is on the amendment of the Senator from Massachusetts.

Mr. SMITH of Georgia. I should like to have the amendment stated.

The VICE PRESIDENT. The Secretary will state the amendment.

The SECRETARY. It is proposed to add a new section in the bill, on page 6, after line 3, as follows:

SEC. 3. That the presiding judge and the associate judges, respectively, of the United States Court of Customs Appeals shall receive salaries equal in amount to the salaries provided by this act to be paid the chief justice and other judges, respectively, of the Court of Claims, payable monthly from the Treasury.

Mr. SMITH of Georgia. Mr. President, there could be only one objection to this amendment. It would be that possibly the salary of this court ought to be fixed in a revenue bill, rather than in this judicial bill; but it was not considered in the revenue bill, and I shall not object to the amendment.

The VICE PRESIDENT. The question is on the amendment of the Senator from Massachusetts.

The amendment was agreed to.

Mr. UNDERWOOD. Mr. President, along the same line as the amendment just offered, to equalize the salaries upon the same basis that they were before the bill was amended, I move to strike out, on page 5, line 25, after the word "office," the words "The chief justice shall be entitled to receive," down to the end of that section, and to insert in lieu thereof the following:

The chief justice and the other judges of the Court of Claims shall receive salaries upon the same basis as salaries provided by this act to be paid to judges of the Circuit Court of Appeals of the United States.

The VICE PRESIDENT. The question is on the amendment of the Senator from Alabama.

The amendment was agreed to.

Mr. MYERS. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to insert a new section, after line 14, on page 5, as follows:

SEC. —. The salary of the chief justice of the Supreme Court of the Territory of Hawaii shall be \$7,000 per annum, and that of the associate justices thereof shall be \$6,500 per annum, and the salary of the several circuit judges of the Territory of Hawaii shall be \$5,000 per annum.

Mr. MYERS. Mr. President, there are two sets of judges in the Territory of Hawaii. One set presides over matters of Federal jurisdiction, and the other set presides over matters of Territorial jurisdiction, to administer the laws enacted by the Territorial Legislature of Hawaii. All are paid by the United States. This amendment is to increase somewhat the salaries of the Territorial judges.

The judges of the Territorial courts of the Philippines receive the following salaries: The chief justice receives \$8,000 per annum, and there are six associate judges receiving \$7,500 each per annum. I have offered this amendment to increase the salaries of the Territorial judges of Hawaii to some extent, but not nearly so much as the salaries received by the judges of the Philippines.

I have here a memorial from the Bar Association of Hawaii, praying for an increase in salary for their Territorial judges, which I send to the desk and ask to have read. My amendment

does not increase the salaries of the Territorial judges in Hawaii as much as this memorial prays for. I did not see fit to ask so much as that, but it increases them somewhat.

I now ask to have the memorial read.

Mr. SMITH of Georgia. Mr. President, would not the Senator be satisfied to have it printed in the Record?

Mr. MYERS. No; I would not, Mr. President.

Mr. SMITH of Georgia. Mr. President, we can not afford to go beyond the district judges. I am utterly opposed to this amendment, unless you want to kill the bill. If you expect to have any of these salaries increased you must be reasonable about it, or tolerably reasonable.

I think it was a mistake to put the circuit and district judges up to \$9,000 or \$10,000. I would be perfectly willing to have their salaries increased to that extent if I were the sole person to vote upon it, but I do not believe it is possible to pass those increases through the House.

Mr. MYERS. I ask that the memorial be read and then that the amendment be voted on.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and the Secretary will read.

The Secretary read as follows:

To the Senate and House of Representatives of the United States in Congress assembled:

The memorial of the Bar Association of the Hawaiian Islands respectfully presents this petition to the Congress of the United States, and your petitioners say as follows:

1. That Congress, by the act of Congress of May 27, 1910, section 8, Thirty-sixth Statutes at Large, page 443, fixed the annual salaries of the judges of the several courts of record of this Territory as follows: The chief justice of the supreme court at \$6,000, the first and second associate justices of said court at \$5,500 each, and the judges of the several circuit courts at \$4,000 each.

2. That the Bar Association of the Hawaiian Islands, at its regular quarterly meeting held in Honolulu on the 27th day of February, A. D. 1918, unanimously adopted a resolution to petition the Congress of the United States to increase the salaries by an act of Congress, as follows: That the annual salary of the chief justice of the supreme court be increased to \$8,000, the associate justices to \$7,500, and the several circuit judges to \$6,000; and this resolution was adopted after a thorough investigation.

3. That since the passage of the act of May 27, 1910, section 8, Thirty-sixth Statutes at Large, page 443, by the Congress of the United States, the cost of living in Hawaii has steadily advanced each year, and more particularly since the beginning of the present European war, and the salaries, as fixed by the said act, are wholly inadequate for the support of the several judges of the said courts in this Territory.

4. The dignity and requirements of the judges of our courts of record are such as to require them and each of them to expend their entire salaries, and most of them have been compelled to depend upon their private income to meet the expenses of living during their term of office. Since the declaration of war by the United States there has been a continuous increase in the cost of every article of use and consumption in Hawaii. Rents, boarding rates, clothing, food supplies, wages of servants, and every possible article which they are called upon to purchase have positively advanced in price, and the purchasing power, therefore, of these salaries has diminished to such an extent as to make it impossible for the judges to meet their current expenses and to maintain the dignity which their social position requires. In this connection it should not be overlooked that nearly everything they use, from the material with which their homes are built to the articles of food upon their tables (barring a partial and inadequate local supply of meat, fish, and vegetables), has to be transported hither from the mainland or from New Zealand and Australia, and, in addition to the largely increased cost of these materials at the points of their production, the cost of their transportation hither has been many times multiplied as a result of the scarcity of shipping.

5. The present occupants of the several judicial positions command the respect and confidence of the bar of these islands, and of the commercial interests, and the people at large realize that the impartial administration of justice is paramount to all other considerations, and that the judges should receive such salaries so as to enable them to be independent; and it is also well known that many of the appointees, upon accepting the positions, made large sacrifices by giving up their lucrative law practice in response to a demand and request from the bar that they accept these positions.

6. The litigation in the Hawaiian Islands is of a varied and of a mixed character, and the several dockets of the several courts demonstrate that the judges are required to perform very laborious tasks and give their entire time to the several duties of their office; and most of the calendars in the several circuits can not be kept clear, because jury trials, as a rule, can not be shortened; and yet the judges have, been ever zealous, and especially the present appointees, in trying to clear the docket.

7. The Bar Association of Hawaii can not too strongly present the facts in support of an increase in the salaries of the judges, and we are conversant with and know well that, in view of economic conditions here and for the reasons set out in this memorial, the salaries are wholly inadequate, and we therefore humbly pray for favorable action in the premises.

Attached to the memorial of this association is the form of a bill amending the act of May 27, 1910, section 8, Thirty-sixth Statutes at Large, page 443, and we pray that it may be introduced in the Senate and House of Representatives of the Congress of the United States.

THE BAR ASSOCIATION OF THE HAWAIIAN ISLANDS.

Dated at Honolulu this 15th day of March, A. D. 1918.

A bill to amend section 92 of the act approved April 30, 1900, entitled "An act to provide a government for the Territory of Hawaii," as amended by section 8 of chapter 258, Thirty-sixth Statutes at Large, approved May 27, 1910.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled:

SECTION 1. That section 92 of the act approved April 30, 1900, entitled "An act to provide a government for the Territory of Hawaii," being chapter 339, Thirty-first Statutes at Large, as said section is

amended in and by an act approved May 27, 1910, being section 8 of chapter 258, Thirty-sixth Statutes at Large, is hereby further amended so as to read as follows:

"SEC. 92. That the following officers shall receive the following annual salaries, to be paid by the United States: The governor, \$7,000; the secretary of the Territory, \$4,000; the chief justice of the supreme court of the Territory, \$8,000; the associate justices of the supreme court, \$7,500 each; the judges of the circuit courts, \$6,000 each; the United States district attorney, \$4,000; the United States marshal, \$3,000. And the governor shall receive annually, in addition to his salary, the sum of \$500 for stationery, postage, and incidentals; also his traveling expenses while absent from the capital on official business; and the sum of \$2,000 annually for his private secretary."

SEC. 2. This act shall take effect and be in force from and after its approval.

Mr. SMITH of Georgia. Mr. President, I wish to warn Senators unless they wish to defeat the bill we must not add more matter of that kind. I hope the amendment will be rejected. It applies to an entirely different class of judicial officers. I wish to urge that we defeat this proposed amendment.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Montana.

The amendment was rejected.

Mr. ASHURST. I offer the following amendment.

The VICE PRESIDENT. It will be read.

The SECRETARY. It is proposed to add a new section as follows:

SEC. —. That the President of the United States be, and he is hereby, authorized and directed, by and with the advice and consent of the Senate, to appoint an additional judge of the district court of the United States for the southern district of Florida, who shall reside in said district, and whose compensation, duties, and powers shall be the same as now provided by law for the judge of said district.

That the President of the United States shall appoint, by and with the advice and consent of the Senate, an additional judge for the northern district of California, who shall reside in said district and shall possess the same qualifications and have the same powers and jurisdiction and receive the same salary now prescribed by law in respect of the present district judges therein.

That the President of the United States, by and with the advice and consent of the Senate, shall appoint two additional district judges for the northern judicial district of the State of Illinois, each of whom shall possess the same qualifications and have the same powers and jurisdiction as now prescribed by law in respect to the present judges for that district.

That the President of the United States shall appoint, by and with the advice and consent of the Senate, an additional judge for the district of Arizona, who shall reside in said district and shall possess the same qualifications and have the same powers and jurisdiction and receive the same salary now prescribed by law in respect of the present district judge therein.

That the clerk of the district court for the district of Arizona and the marshal and district attorney for said district shall perform the duties appertaining to their offices, respectively, for said court.

That the President of the United States shall appoint, by and with the advice and consent of the Senate, an additional judge for the district of Montana, who shall reside in said district and shall possess the same qualifications and have the same powers and jurisdiction and receive the same salary now prescribed by law in respect of the present district judge therein.

That in case of disagreement in relation thereto between the judges of said district court the senior circuit judge of the ninth circuit shall make all rules for the transaction of the business of said court and all necessary orders for the division of the work and the assignment of cases for trial.

That the clerk of the district court for the district of Montana and the marshal and district attorney for said district shall perform the duties appertaining to their offices, respectively, for said court.

That the President of the United States shall, by and with the advice and consent of the Senate, appoint an additional district judge for the western judicial district of the State of North Carolina, who shall reside in the said district and shall possess the same qualifications, have the same power and jurisdiction, and receive the same salary now prescribed by law in respect of the present district judge therein.

That whenever a vacancy shall occur in the office of the district judge for the western judicial district of the State of North Carolina senior in commission such vacancy shall not be filled, and thereafter there shall be but one district judge in said district.

That hereafter there shall be a district judge of the United States for the middle district of the State of Tennessee, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall possess the same qualifications and shall have the same powers and jurisdiction and receive the same compensation prescribed by law in respect to district judges of the United States: *Provided*, That the judge now acting for the eastern and middle districts of Tennessee shall continue to act in both said districts until a judge is appointed and qualified for the middle district as hereinafter provided.

That the district judge now holding office and acting for both said districts and his successors shall be assigned to and hereafter be the district judge for the eastern district in said State.

That the President of the United States, by and with the advice and consent of the Senate, shall appoint the district judge for the middle district in said State, who shall, as to all business and proceedings arising in said middle judicial district, possess and exercise all the powers conferred by existing law upon judges of the district courts of the United States, and who shall succeed to and possess the same powers and perform the same duties within the said middle judicial district as are now possessed and performed by the district judge acting for both said districts in said State.

That terms of court may be held at the places and in the manner now prescribed by law in the eastern judicial district by the judge of the middle district or in the middle judicial district by the judge of the eastern district, provided it is mutually agreed by and between the judges of each of said districts that the public interest demands it.

That hereafter there shall be for each of the two judicial districts in the State of Mississippi a district judge of the United States, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall possess the same qualifications and shall have the same powers and jurisdiction and receive the same compensation prescribed by law in respect to district judges of the United States:

Provided, That the judge now acting in both said districts shall continue to act in both said districts until a judge is appointed and qualified for the southern district as hereinafter provided.

That the district judge now holding office and acting for both said districts shall be assigned to and hereafter be the district judge for the northern district in said State.

That the President of the United States, by and with the advice and consent of the Senate, shall appoint the district judge for the southern district in said State, who shall, as to all business and proceedings arising in said southern judicial district, possess and exercise all the powers conferred by existing law upon judges of the district courts of the United States, and who shall succeed to and possess the same powers and perform the same duties within the said southern judicial district as are now possessed and performed by the district judge acting for both said districts in said State.

That terms of court may be held at the places and in the manner now prescribed by law in the southern judicial district by the judge of the northern district or in the northern judicial district by the judge of the southern district, provided it is mutually agreed by and between the judges of each of said districts that the public interest demands it.

That all laws and parts of laws so far as inconsistent with the provisions of this act are hereby repealed.

Mr. SMITH of Georgia. I wish to ask the Senator from Arizona if he is not willing to allow the amendment to be printed and go over.

Mr. ASHURST. Of course; but if we want to finish the bill to-night—

Mr. SMITH of Georgia. I do not think we can.

Mr. ASHURST. Now, let me say that the frowns of my friend will avail nothing. I have a right as a United States Senator to offer any amendment that I see fit.

Mr. SMITH of Georgia. Mr. President, I did not mean to question that.

Mr. ASHURST. I stand by my right to offer this amendment. It simply gives additional judges to those States that need them. The judges for the States of North Carolina, Tennessee, Illinois, California, Mississippi, Montana, and Arizona are very much overworked. In those States additional judges are needed. This amendment simply includes those bills that have passed this Senate during the Sixty-fifth Congress granting additional judges. The Judiciary Committee of the Senate considered the situation in these various States. It ascertained that the judge in Florida, in the southern district, was the most overworked judge in the United States. It ascertained that the district judge in Arizona was the next most overworked judge in the United States, and the next were the judges in Montana, Illinois, Tennessee, North Carolina, Mississippi, and California.

This amendment simply includes those bills which the Senate has already passed. The part of the amendment which relates to a new judge for the southern district of Florida passed the Senate February 6, 1918. The part of the amendment providing for a new judge in the northern district of California passed the Senate May 21, 1918. The bill providing for two new judges in the northern district of the State of Illinois passed the Senate May 21, 1918. The bill providing for an additional judge in the district of Arizona passed the Senate February 5, 1918. That part of the amendment providing for an additional judge for the district of Montana passed the Senate September 11, 1917.

That part of the amendment which provides for an additional judge in North Carolina passed the Senate May 16, 1918. That part of the amendment providing for a new judge in the State of Tennessee passed the Senate September 12, 1917, and that part of the amendment which provides for an additional judge in the State of Mississippi passed the Senate September 11, 1918.

I submit that the Senate seriously passed those bills, and I resent any suggestion of impatience or any suggestion that I ought not to be heard at this time.

The Imperial State of California needs this additional judge, and Montana, Illinois, Arizona, Mississippi, North Carolina, and Tennessee need additional judges. I serve notice that I am not a State senator but a United States Senator, and if Georgia needs an additional judge, if in good faith Indiana needs a judge, why should we decline to grant it?

The Senate of the United States passed these bills which make up my amendment. Senators say, "Why do you not include my State in your amendment?" I did not do that because the Judiciary Committee of the Senate had not considered such bills. The amendment I have just presented is made up of those bills that have passed the Senate; in other words, it includes simply, solely, and only the bills that the Judiciary Committee of the Senate reported favorably after hearings that were voluminous, and which bills have passed the Senate.

Mr. WILLIAMS. Mr. President—

Mr. ASHURST. The Senator will pardon me. Senators must not grow impatient when a new and young Senator insists on having a right to be heard. I am in favor of this bill, even should my amendment fail. I have been a constant and, I believe, a just critic of some of our Federal judges, but I am glad to see the salaries of the Federal judges increased. In this day of Bolshevism, in this day when the I. W. W. is

clamoring at your gate seeking to tear down your civilization, it will be the judges who are not afraid to enforce the law that will save our civilization of to-day.

Mr. WILLIAMS. Mr. President—

Mr. ASHURST. I will yield in a moment.

Mr. President, if the distinguished Senator in charge of the bill feels that my amendment, which includes only those bills that have passed the Senate, would imperil this bill, I will withdraw it. Does the Senator fear that my amendment would do that?

Mr. SMITH of Georgia. I am not prepared to say further than this: The subject was considered by the Judiciary Committee, and we determined that it would not do to undertake to attach these several bills to the pending bill lest it might jeopardize it. The Senator from Florida was present and suggested that the bill applicable to Florida be added, but it was finally agreed by the committee that in the opinion of the committee it was best not to undertake to attach any general legislation to the pending bill.

While I am on my feet I want to say to the Senator that when I found there were so many of them included in his amendment I thought it was a piece of humor.

Mr. ASHURST. A piece of humor! The Senator is a Member of the Judiciary Committee, which reported these bills which make up my amendment.

Mr. SMITH of Georgia. The Senator has given me the floor by asking me a question, and I am going to ask him to let me finish my answer.

Mr. ASHURST. I am at times a little humorous, and sometimes the Senator may intend to be, but I do not get off any humor in the Senate.

Mr. SMITH of Georgia. I did not suppose when there were so many of them that they were to be pressed at this time, and that is why I manifested some impatience. Of course, I recognize the right of the Senator to press them and press them just as long as he desires. I have no doubt I voted for every one of them, and if they can go through I do not object to their going through.

Mr. ASHURST. The Senator is on the Judiciary Committee and gave the committee the benefit of his vast experience as a lawyer and a statesman. He voted for each and every one of these bills, except one of them, which was ordered reported when he was not present. I now yield for a moment to the Senator from Mississippi.

Mr. WILLIAMS. I merely wanted to say this, Mr. President: I fully agree with the Senator from Arizona that it is better to increase the number of judges to take care of the business of the country than it is to increase the salaries of the judges who are already willingly serving at the present salary and whose places are being awaited by countless numbers of briefless attorneys or attorneys with briefs. I think, if we are going to pass this bill, it might be very well to put upon it additional judgeships. I think it would be infinitely better than increasing the salaries of the judges who are already willingly serving at their present salaries. Not one of them would resign if you gave him a \$10,000 check to-morrow. But I was going to suggest that it is growing late, and, as the Senator in charge of the bill has some very important amendments pending that I would not be willing to have considered without a quorum, I was going to ask that we take a recess.

Mr. SMITH of Georgia. If the Senator from Arizona has finished, I move that the Senate take a recess—

Mr. ASHURST. I do not want to delay the progress of the bill. I think the bill should pass, but I believe the Senate should seriously consider my amendment. I want to give additional judges to those States that require them, and let me remind you that I think the Judiciary Committee of the Senate of the United States—I happen to be on it—is "some" body of men. There are CHARLES A. CULBERSON and ALBERT B. CUMMINS—I can name more who are able lawyers on the Judiciary Committee—HOKE SMITH, KNUTE NELSON, L. S. OVERMAN, and FRANK B. BRANDEGEE, and all the balance of them. The Judiciary Committee found, after hearings, that the State of California in good faith ought to have an additional judge; that in the State of Illinois the Federal courts are cluttered with business; that the same is true of Florida by reason of its proximity to Cuba; that the same is true of Arizona, with 300 miles of international border and hundreds upon hundreds of smuggling cases and the judge working harder than I ever want to work. The Arizona judge has had but four weeks' vacation in four years.

Mr. GRONNA. Mr. President—

The PRESIDING OFFICER (Mr. HOLLIS in the chair). Does the Senator from Arizona yield to the Senator from North Dakota?

Mr. ASHURST. I yield; but first let me say that the Senate of the United States has passed every one of these bills and the Judiciary Committee was unanimous in its report on each one of the bills—

Mr. WILLIAMS. If the Senator will pardon me.

Mr. ASHURST. I yield to the Senator from Mississippi.

Mr. WILLIAMS. One of the bills passed the Senate three times.

Mr. ASHURST. I did not know that. That was the Mississippi case. I knew it had passed once.

Mr. GRONNA. I have a concurrent resolution here which, of course, would not settle this judicial question; but I think it would help to still the storm of Bolshevism, and I ask unanimous consent out of order to have it read. It is a concurrent resolution of the Legislature of North Dakota.

The PRESIDING OFFICER. Is there objection?

Mr. ASHURST. Not in my time, of course, and not in the middle of my remarks.

The PRESIDING OFFICER. The Chair understood the Senator from Arizona to yield for that purpose.

Mr. SMITH of Georgia. If it will suit the Senator from North Dakota to have it read to-morrow morning, I am quite anxious to move for a recess until 12 o'clock to-morrow.

Mr. GRONNA. It is very brief.

The PRESIDING OFFICER. Does the Senator from Arizona yield for the purpose of having it read?

Mr. ASHURST. I yield for no purpose whatever now.

The PRESIDING OFFICER. The Senator from Arizona declines to yield.

Mr. ASHURST. I will yield the floor in a moment to the Senator from North Dakota.

Mr. GRONNA. All right.

Mr. ASHURST. If I had not been interrupted I would have finished a long time ago. I fear that owing to the cluttered condition of legislation the various bills regarding these judges will not pass the other branch of Congress, and surely I do not need to remind the Senate that a bill must pass another branch of Congress before it becomes a law. I have been, I repeat, a constant and severe, and yet I think truthful, critic of some of our Federal judges, and if time permitted I could point to instances where grave abuses have been perpetrated by some of the Federal judges, where injunctions against laboring men, especially, have been unjustly issued, improvidently issued; but that does not alter the fact that the Federal judges, as a rule, are clean, able, and courageous.

While now and then some judge falters in his duty, the record made in the recent war with Germany by our Federal judiciary is a record replete with courageous patriotism. Witness the splendid services of Judge Landis, of Illinois, and the decision of Judge Speer, of Georgia, on the question of the selective draft. His opinion has become a classic in our jurisprudence. I could name others, but time does not permit.

I made an argument before the Committee on the Judiciary with reference to the necessity for an additional judge in the State of Arizona, and very copious data were gathered by me relative to that matter. I should like to have permission to include it in the Record as part of my remarks.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

ADDITIONAL DISTRICT JUDGE IN ARIZONA.
SUBCOMMITTEE OF THE COMMITTEE ON THE JUDICIARY,
UNITED STATES SENATE,
Washington, D. C., Monday, December 10, 1917.

HON. HENRY F. ASHURST, a Senator of the United States from the State of Arizona, to-day submitted the following memoranda and letters to the subcommittee—Messrs. FLETCHER (chairman), SHIELDS, and BRANDEGE—appointed to consider his bill (S. 714) providing for an additional judge for the district of Arizona:

The text of the bill is as follows:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States shall appoint, by and with the advice and consent of the Senate, an additional judge for the district of Arizona, who shall reside in said district and shall possess the same qualifications and have the same powers and jurisdiction and receive the same salary now prescribed by law in respect of the present district judge therein.

"SEC. 2. That in case of disagreement in relation thereto between the judges of said district court the senior circuit judge of the ninth circuit shall make all rules for the transaction of the business of said court and all necessary orders for the division of the work and the assignment of cases for trial.

"SEC. 3. That the clerk of the district court for the district of Arizona and the marshal and district attorney for said district shall perform the duties appertaining to their offices, respectively, for said court."

The bill provides for the appointment of an additional judge for the district of Arizona. The United States district courts for the district of Arizona are overcrowded. It is utterly impossible for one judge properly to handle the business of the district. Notwithstanding the fact that the present judge has held regular sessions and rarely observed holidays, Sundays excepted, he has been unable to keep up with the constantly increasing calendars. The present judge has taken but two

weeks' vacation in the past three and one-third years. Some of the facts showing the reason for the present overcrowded condition of the dockets are set forth as follows:

The estimated population for draft apportionment of Arizona is 409,203. (S. Doc. 64, 65th Cong., 1st sess., p. 9.) The area of the State is 113,956 square miles. The Indian population of Arizona (exclusively under the jurisdiction of the United States) is 44,436. (Report Committee on Indian Affairs, 1916, p. 73.)

A factor contributing to the increase of the business of the Federal court in Arizona is the large area of the State which is included within Indian, forest, and military reservations, and therefore subject to the exclusive jurisdiction of said court. The area which is involved in Indian, forest, and military reservations in Arizona equals 42 per cent of the total area of the State. This is a larger proportion exclusively within Federal control than any other State in the Union.

In order to exhibit a comparative analysis of the business transacted by the courts of the United States in Arizona and that disposed of in other States, statements have been compiled by the Department of Justice covering the northern and southern districts of Florida, Louisiana (eastern and western district), Mississippi (northern and southern districts), the States of Montana, Nevada, New Jersey, Utah, Wyoming, and Arizona. The comparisons are valuable as furnishing a reason for the passage of the bill:

Alabama has a Federal judge for every 767,092 of population and 17,332 square miles of area.

Maine has a Federal judge for its 767,038 of population and 33,040 square miles of area.

California has a Federal judge for every 712,068 of population and 39,577 square miles of area.

Texas has a Federal judge for every 868,742 of population and 53,179 square miles of area.

Arizona has one Federal judge for its 409,203 of population and 113,956 square miles of area.

CIVIL AND CRIMINAL CASES TRIED.

The district court of the United States for the district comprehended by the State of Arizona disposed of 286 cases in 1913; 349 in 1914; 269 in 1915; and 299 in 1916—1,203.

The district court of the United States for the northern district of Florida disposed of 111 cases in 1913; 181 in 1914; 168 in 1915; and 282 in 1916—742.

The United States courts for the southern district of Florida disposed of 493 cases in 1913; 391 in 1914; 347 in 1915; and 391 in 1916—1,622.

The United States courts for the eastern district of Louisiana disposed of cases as follows: 1913, 227; 1914, 397; 1915, 180; and 1916, 252—1,056.

The United States courts for the western district of Louisiana disposed of 109 cases in 1913; 130 in 1914; 166 in 1915; and 107 in 1916—512.

The United States courts for the northern district of Mississippi disposed of 242 cases in 1913; 357 in 1914; 226 in 1915; and 85 in 1916—910.

The United States courts for the southern district of the State of Mississippi disposed of 242 cases in 1913; 84 in 1914; 140 in 1915; and 125 in 1916—591.

The United States courts for the district comprehended by the State of Montana disposed of 300 cases in the year 1913; 276 in 1914; 312 in 1915; and 270 in 1916—1,358.

The United States courts for the district comprehended by the State of Nevada disposed of 96 cases in 1913; 109 in 1914; 221 in 1915; and 132 in 1916—558.

The United States court for the district comprehended by the State of New Jersey disposed of 409 cases in 1913; 380 in 1914; 591 in 1915; and 490 in 1916 (additional judge recently provided for)—1,870.

The United States courts for the district comprehended by the State of Utah disposed of 114 cases in 1913; 126 in 1914; 101 in 1915; and 91 in 1916—432.

The United States courts for the district comprehended by the State of Wyoming disposed of 142 cases in 1913; 85 in 1914; 98 in 1915; and 85 in 1916—410.

EXPENSES.

The costs of conducting said courts for the years mentioned were as follows:

District.	1913	1914	1915	1916
Arizona.....	\$48,429.71	\$56,321.02	\$56,600.02	\$57,526.66
Florida:				
Northern.....	15,472.17	21,003.60	26,327.01	26,117.73
Southern.....	25,844.98	32,370.51	33,274.79	38,037.83
Louisiana:				
Eastern.....	39,149.27	37,129.87	38,847.08	41,817.61
Western.....	17,345.16	20,850.34	21,006.82	24,773.32
Mississippi:				
Northern.....	29,878.10	28,832.43	25,051.72	22,391.02
Southern.....	28,934.98	31,734.28	29,222.79	25,694.22
Montana.....	54,006.17	52,121.99	45,743.61	43,745.85
Nevada.....	17,534.94	19,880.72	24,797.78	21,076.07
New Jersey.....	22,414.74	24,308.34	31,472.62	28,854.54
Utah.....	17,622.13	20,651.87	28,883.70	19,491.57
Wyoming.....	23,561.65	21,063.67	26,230.51	24,801.71

In explanation of the higher expense involved in the administration of the Federal courts in Arizona, as compared with other States, the provision for and the care of prisoners involves greater outlay for the upkeep and maintenance of prisoners, because the distances are greater and the travel is more expensive. The main lines of railroad charge 3 cents and branch lines not less than 4 cents per mile. The transport of prisoners convicted of felony to Atlanta and Leavenworth Penitentiaries covers a distance of thousands of miles, in some cases reaching several hundred dollars per prisoner. Many Chinese deportation cases are also tried, as the border protected by this jurisdiction is several hundred miles. The actual distance covered by the southern boundary line of Arizona bordering upon Mexico, from Ogden Landing, in the southwestern corner of the State, to the Guadalupe Mountains, in the southeastern corner, is approximately 400 miles, a longer distance than is covered by any other division of the United States courts, whether in Texas or New Mexico, bordering upon the Republic of Mexico. The character of the country giving views of the border monuments marking the international boundary and characteristic scenes along that border are shown in Senate Document No. 247, Fifty-fifth Congress, sec-

ond session, which covers the report of the International Boundary Commission fixing the boundary between the United States and the Republic of Mexico west of the Rio Grande River.

COMPARATIVE AREAS.

The area of the State of Arizona, comprising the district of Arizona, is equal to the approximate areas of Connecticut, Massachusetts, New Hampshire, Vermont, Maine, and New York. Its area is greater than all of New York, Pennsylvania, Maryland, and Delaware; or Illinois, Indiana, New Hampshire, and New Jersey combined. The figures which bear out this statement are shown in the following tables:

	Area in square miles.	
Arizona	113,956	
Connecticut	4,965	
Massachusetts	8,266	
New Hampshire	9,341	
Vermont	9,564	
Maine	33,040	
New York	49,204	
Total	114,380	113,956
New York	49,204	
Pennsylvania	45,126	
Maryland	12,327	
Delaware	2,370	
Total	109,027	113,956
Illinois	56,665	
Indiana	36,354	
New Hampshire	9,341	
New Jersey	8,224	
Total	110,588	113,956

CLASSIFICATION OF BUSINESS TRANSACTED.

A complete synopsis of all cases which were commenced, terminated, and pending, whether civil, criminal, or equity, is shown in the next table following. This includes cases both civil and criminal to which the Government is not a party, and is for the four years from 1913 to 1916, both included. The percentages of each class of cases instituted of the total are shown in the last three columns. The statement is as follows:

District.	United States civil.	United States criminal.	Cases to which United States is not a party.	Per cent of total.		
				United States civil.	United States criminal.	Other.
Arizona	73	997	227	0.057	0.763	0.18
Florida:						
Northern	45	437	269	.06	.58	.36
Southern	567	439	891	.298	.23	.472
Louisiana:						
Eastern	132	351	809	.102	.272	.626
Western	129	199	226	.232	.36	.408
Mississippi:						
Northern	82	470	121	.02	.69	.39
Southern	64	339	331	.087	.46	.453
Montana	189	656	270	.17	.58	.25
Nevada	30	405	151	.06	.77	.17
New Jersey	347	631	1,244	.156	.283	.561
Utah	67	142	221	.156	.33	.514
Wyoming	66	170	152	.17	.43	.40

The above statement shows that Arizona Federal courts disposed of more criminal cases than any other division of the United States courts shown in the above table, and that a larger percentage of the cases were criminal prosecutions than in any other division of the courts enumerated, excepting the Federal courts for the State of Nevada, viz, Nevada, 77 per cent, and Arizona, 76.3 per cent. The major portion of the business transacted on the criminal dockets is for violation of the laws of the Government against contraband smuggling, in the protection of a border 400 miles in extent marked by few natural and no artificial barriers; and also cases involving the introduction of whisky into the Indian, military, or other Government reservations. The largest proportion of cases involving the introduction of whisky into the State and the reservations lies against nonresidents of the State who seek to introduce the liquor for the great profit involved, the State of Arizona now being prohibition territory, "bone dry." The smuggling of arms out of and the introduction of contraband into the jurisdiction give rise to many cases on the criminal docket, and these are against nonresidents almost exclusively.

In obedience to statute, court is held twice a year in four places, namely, Prescott, Phoenix, Tucson, and Globe. The distance by rail from Prescott to Globe is 497 miles. It will thus be observed that the distance between Prescott and Globe is about the distance from Washington to Cincinnati or from Washington to Portland, Me. Litigants and witnesses are frequently required to traverse the entire distance (497 miles) to reach the place where court is held, and court is held as directed by statute. In some instances a term is suspended at one place while the judge travels to another place upon its business, after dispatching which he returns to the former place, completes the business there, and then returns to the latter place and dispatches the business there. In this connection it should be remembered that a grand jury must be assembled in each place twice a year. Thus it will be observed that the present judge convenes eight grand juries each year.

An inquiry was made by the Department of Justice, addressed to the United States judge and the United States attorney for the district of Arizona, as to the advisability of the proposed legislation. The recommendations of the judge and the United States attorney were strongly in favor of the enactment of this measure into law. Copies of their letters are hereto attached.

One-third of the copper produced in the United States is mined and smelted in the State of Arizona; its Indian population is greater than that of any other State excepting Oklahoma; and the area which is included within forest, Indian, and other reservations exclusively

under the jurisdiction of the United States courts is larger than in any other State.

The necessity for the speedy passage of the bill (S. 714) is manifest. The following letters and statistics, from the Department of Justice, are submitted to the committee:

DEPARTMENT OF JUSTICE,
OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., April 17, 1917.

Hon. CHARLES A. CULBERSON,
Chairman Committee on the Judiciary, United States Senate.

MY DEAR SENATOR: Permit me to acknowledge receipt of your request of the 10th instant for information tending to show the desirability, or otherwise, of the legislation proposed in the bill (S. 714) providing for an additional judge for the district of Arizona.

In order to expedite this matter as much as possible I am inclosing herewith copies of letters received from the judge and district attorney for the district of Arizona, dated December 29, 1916, and January 12, 1917, respectively, expressing their views in connection with S. 7484, which provided for the division of the State of Arizona into two judicial districts. The information contained in these letters will indicate to your committee the business that is being transacted in the present district.

There are also inclosed herewith for further information copies of comparative statements made from the records of this department showing in detail the number of cases commenced and terminated in the district of Arizona during the last four years, the number of cases pending at the close of each fiscal year, and the relative increase or decrease in the number of cases terminated and commenced. In addition, the statements show the expense of conducting the court during said periods.

It is hoped that the information submitted will meet the requirements of your inquiry.

Very respectfully,

T. W. GREGORY,
Attorney General.

DEPARTMENT OF JUSTICE,
OFFICE OF UNITED STATES ATTORNEY,
DISTRICT OF ARIZONA,
Globe, Ariz., January 12, 1917.

The ATTORNEY GENERAL,
Washington, D. C.

SIR: I received your wire of December 29, 1916, directing me to furnish my opinion as to the desirability, or otherwise, of proposed legislation to divide Arizona into two judicial districts, reply to which has been delayed by preparation for the present term now convening here.

The proposed legislation is, in my judgment, most desirable from many viewpoints. An examination of our monthly and term reports will readily disclose the amount of criminal business transacted by this court, but the full value of the work entailed can not be gathered from a mere inspection of these reports. Add to the criminal business the civil cases in which the United States is a party and the calendar of private civil litigation and it can be seen without serious question that the burden which Judge Sawtelle has to carry is inordinately heavy. That he has been able to dispatch the work, as indicated by the cases closed, can be accounted for only by a just tribute to his excessive application, entailing few days of rest and recreation, with the consequent inroad on his mental and physical vitality.

Withal he has not been able to give to many important matters the attention needed to dispose of them promptly and to the satisfaction of litigants. We have had several very important suits by the Government submitted during the past year and have only recently been able to obtain decrees in them. They involved intricate legal questions, to which the court, on account of the many terms intervening, could not with promptness address itself. That sufficient time was not available for consideration of cases submitted, as indicated by the fact that notwithstanding only eight terms a year are provided for in this district, the other months being, no doubt, intended for preparation and deliberation, we have had sessions of court in every one of the months of the past year—here at Globe in January, in February at Tucson, regular terms at Prescott, Phoenix, and Tucson in March, April, and May, respectively; the May term at Tucson was continued far into the month of June, necessitating the postponement of the regular June term here at Globe.

In July and August an adjourned term was held at Prescott to try equity cases, and September, October, November, and December were occupied with the regular terms at Prescott, Phoenix, and Tucson, the term at Tucson occupying nearly all of December and again necessitating the postponement of the regular term here until this month. An adjourned term is already called at Tucson for next month; the four regular terms will follow at the four places for holding court, with splendid chances for another summer session at Prescott to consider equity cases, which are invariably set at the foot of the calendar and the terms wholly occupied with jury cases.

On the question of the effect of the proposed legislation on the work of this office, it goes without argument that it would be appreciably lightened. I recognize the proneness of some officials to continually remind others of the awful pressure of official duties, and it is with some reluctance that I mention our own work. It is quite true, though, that since assuming office about three years ago I have been compelled, in order to give proper attention to the work, to practically abandon all private practice, and never during my term have I had the satisfaction of feeling that I could leave the work for more than an occasional off day. In the three years I have taken but one vacation, which was last summer, when I was granted 12 days' leave and spent just one week on the coast.

Night work is the invariable rule during court sessions, being absolutely indispensable if the work is to be kept up to date, and, as has been noted, the sessions are not often intermittent. What I say in this connection applies equally to the assistants of the office, whose official work leaves them little time for private practice, and who are most faithful, devoted, and interested in their labors.

The State of Arizona is rapidly growing in population and in business enterprises; litigation of every description is increasing and will continue to increase, and the jurisdiction of the Federal court is sought on every conceivable occasion. While it is true that the work of this office could be distributed by the addition of several assistants and more clerical help, which has become a necessity, this would not solve the burdens of the court in any respect. Primarily, therefore, for the amelioration of his increasing labors, do I recommend the division, and I feel also that, because of the great area of Arizona and the great distance to be covered in attending to the business of the court, the best solution would be the creation of another district. The work of

each district would then be more centralized and accomplished with greater dispatch than now prevails. Most of the above reasons, together with others, are set forth in the resolution of the Arizona Bar Association, passed January 8, 1917, at Phoenix, Ariz., a copy of which I herewith inclose. I shall be pleased to furnish further specific data disclosed by our records if you desire, and shall be pleased to answer any specific questions which you may send to me.

Very sincerely, yours,

THOMAS A. FLYNN,
United States Attorney.

UNITED STATES DISTRICT COURT,
DISTRICT OF ARIZONA,
JUDGE'S CHAMBERS,
Tucson, Ariz., December 29, 1916.

The ATTORNEY GENERAL,
Washington, D. C.

SIR: Replying to your telegram of this date, in which you state, "Bill has been introduced to divide Arizona into two judicial districts. Please furnish your opinion as to desirableness or otherwise proposed legislation in as much detail as convenience will permit, stating facts on which same is based," will say it is my opinion that such legislation is not only desirable but absolutely necessary. It is utterly impossible for one judge properly to handle the business of the district. Notwithstanding the fact that I have held long sessions and rarely observed holidays, Sundays excepted, I have been unable to keep up with the constantly increasing calendars. I have taken just two weeks' vacation during the past three and one-third years.

Practically all of my time is occupied in the trial of causes, and written opinions are prepared only in rare instances. When prepared, I am compelled to remain in my chambers until late in the night. The number of cases removed from the State courts is constantly increasing. On account of the great number of criminal and civil jury cases, equity and bankruptcy cases can not within a reasonable time be heard and determined.

I have not available data which would enable me to give you the number of cases filed at each of the four places of holding terms of court in the district during the year 1916. More cases are disposed of at Tucson than at any other one place in the district. An examination of the calendar for the May term, 1916, at Tucson shows that there were then pending 119 criminal cases, 54 equity and law cases, and 18 bankruptcy cases, 95 of which were disposed of at said term; the calendar for the November term, 1916, at Tucson shows 109 criminal cases, 73 equity and law cases, and 13 bankruptcy cases; to date 73 of said cases have been disposed of, and the November term, 1916, is still in session, the Globe term having been postponed.

There are located within the State of Arizona a number of Indian reservations, national forests and national monuments, and a large military reservation. All suits or proceedings affecting the same or any thereof, and all crimes committed upon or within the boundaries thereof, are, of course, triable only in the Federal court. Many of these cases involve new questions which can not or should not be hastily determined. There is a great number of criminal cases arising under the internal revenue, immigration, and neutrality laws, particularly along the international line. The mining and smelting companies, railroad companies, public-service corporations, and other foreign corporations invariably invoke the jurisdiction of the Federal court.

I herewith inclose for your inspection copies of calendars for the May and November terms, respectively. As above stated, Tucson is only one of four of the places where terms of court are held.

In this connection I might add that the act of Congress approved October 3, 1913, provides that terms of court shall be held at Prescott on the first Monday in March and September, at Phoenix on the first Monday in April and October, at Tucson on the first Monday in May and November, and at Globe on the first Monday in June and December. The distance by rail from Prescott to Phoenix is 137 miles; from Phoenix to Tucson, 122 miles; from Tucson to Globe, 238 miles; and from Globe to Prescott, 497 miles.

In conclusion I wish to state that in my judgment the Government would save money by dividing the district. The Government now provides suitable accommodations for holding court at Prescott and Globe and no additional outlay therefor would be required.

The United States marshal for this district informs me that between December 1, 1915, and December 1, 1916, he paid for the feeding and maintaining of Federal prisoners the sum of \$13,701.82. If the district court could hold monthly adjournments of the regular terms for the trial of criminal and civil causes, approximately 50 per cent of said amount—and perhaps an equal amount now paid to witnesses who are compelled to remain in attendance upon the court for days at a time awaiting call—could be saved.

The division of the district would not only save the Government money but would enable the court to administer justice without unnecessary delay.

Respectfully,

WM. H. SAWTELLE, Judge.

District of Arizona.
FISCAL YEAR 1916.

Cases.	Com- menced.	Termi- nated.	Pend- ing close of June 30, 1916.	Increase (+) or decrease (-) from preced- ing year.	
				Com- menced.	Termi- nated.
United States civil cases.....	19	28	16	- 9	+11
United States criminal cases.....	167	193	59	-93	-15
Cases to which United States is not a party.....	99	78	94	+28	+ 4
Total.....	285	299	169	-74	0
Expenses conducting courts:					
Departmental.....				\$46,869.26	
Courts.....				57,526.66	
Total.....				101,395.92	

District of Arizona—Continued.

FISCAL YEAR 1915.

Cases.	Com- menced.	Termi- nated.	Pend- ing close of June 30, 1915.	Increase (+) or decrease (-) from preced- ing year.	
				Com- menced.	Termi- nated.
United States civil cases.....	28	17	25	+20	+11
United States criminal cases.....	260	208	85	-44	-95
Cases to which United States is not a party.....	71	44	74	+14	+ 4
Total.....	359	269	184	-10	-80

Expenses conducting courts:					
Departmental.....				\$53,688.34	
Courts.....				56,690.62	
Total.....				125,378.96	

FISCAL YEAR 1914.

Cases.	Com- menced.	Termi- nated.	Pend- ing close of June 30, 1914.	Increase (+) or decrease (-) from preced- ing year.	
				Com- menced.	Termi- nated.
United States civil cases.....	8	6	14	-10	-14
United States criminal cases.....	304	303	32	+33	+33
Cases to which United States is not a party.....	57	40	47	+57	+33
Total.....	369	349	93	+85	+63

Expenses conducting courts:					
Departmental.....				\$88,667.79	
Courts.....				56,321.02	
Total.....				144,988.81	

FISCAL YEAR 1913.

Cases.	Com- menced.	Termi- nated.	Pend- ing close of June 30, 1913.	Increase (+) or decrease (-) from preced- ing year.	
				Com- menced.	Termi- nated.
United States civil cases.....	18	20	14	+ 2	+ 1
United States criminal cases.....	266	265	31	+45	+24
Cases to which the United States is not a party.....		1		- 1	+ 1
Total.....	284	286	45	+46	+26

Expenses conducting courts:					
Departmental.....				\$89,054.12	
Courts.....				45,429.71	
Total.....				137,483.83	

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Arizona.

Mr. THOMAS. Mr. President, I shall not detain the Senate more than a very short time if it desires to vote on the question. If I thought the enactment of this measure would imperil the bill, it might be an argument in favor of my vote for the amendment. I merely want to say that in my judgment we have plenty of judges now and we need no more.

Mr. ASHURST. May I interrupt my friend?

Mr. THOMAS. In just a moment.

The PRESIDING OFFICER. The Senator from Colorado declines to yield.

Mr. THOMAS. When we consider that in the island of Great Britain there are fewer judges to attend to the business of 45,000,000 people than there are in the single American State of Illinois, we at once perceive that the difficulty is not with the judges and with the number of courts, but with their manner of transacting business. If we could follow, as we ought to follow, the expeditious way in which legal business is transacted in the Kingdom of Great Britain we could afford to pay our judges a great deal more than we do, and we would transact more business, and the question of salary would not be so important. I yield now to the Senator from Arizona.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Arizona [Mr. ASHURST].

On a division, the amendment was rejected.

Mr. SMITH of Georgia. There are two amendments, verbal in their nature, which are still to be made. On page 7, line 17, the Senator from Iowa [Mr. CUMMINS] calls my attention to the fact that the language as used in one place is not clear. Therefore, after the word "so," in line 17, I move to strike out the words "entitled to resign or retire" and to substitute "retiring voluntarily, or whose mental or physical condition caused the President to appoint an additional judge."

Mr. CUMMINS. I ask that the Secretary state the amendment.

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. On page 7, line 17, after the word "so," it is proposed to strike out the words "entitled to resign or retire" and insert "retiring voluntarily, or whose mental or physical condition caused the President to appoint an additional judge."

Mr. SMITH of Georgia. So that it will read:

And the judge so retiring voluntarily, or whose mental or physical condition caused the President to appoint an additional judge, shall be held and treated as junior in commission.

The PRESIDING OFFICER. The question is on agreeing to the amendment submitted by the Senator from Georgia.

The amendment was agreed to.

Mr. SMITH of Georgia. There are two other verbal amendments reported by the committee.

The PRESIDING OFFICER. The next amendment reported by the committee will be stated.

The SECRETARY. On page 7, line 24, after the word "court," it is proposed to insert the words "to be appointed by such judges."

The amendment was agreed to.

The next amendment reported by the Committee on the Judiciary was, on page 8, line 5, after the word "as," to strike out "herein," and in the same line, after the word "provided," to insert "in this section," so as to read:

Upon the death, resignation, or retirement of any circuit or district judge, so entitled to resign, following the appointment of any additional judge as provided in this section, the vacancy caused by such death, resignation, or retirement of the said judge so entitled to resign shall not be filled.

The amendment was agreed to.

The next amendment was, on page 8, to change the number of section 5 to section 6.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is still in the Senate as in Committee of the Whole and open to amendment.

Mr. ASHURST. Mr. President, the vote was so close on the amendment offered by me—being only 17 to 18—and so many Senators have importuned me to reserve the amendment, that I desire to give notice that I will ask for a separate vote on the amendment when the bill gets out of the Committee of the Whole into the Senate.

The PRESIDING OFFICER. The Senator from Arizona reserves the right to a separate vote on his amendment when the bill gets into the Senate.

Mr. CUMMINS. Mr. President, unless the Senator in charge of the bill does so, I wish to reserve for a separate vote in the Senate the amendment which proposes to advance the salaries of district judges to \$9,000 and of circuit judges to \$10,000. I think those figures are too high.

The PRESIDING OFFICER. The Senator from Iowa gives notice that the question of raising the salaries of the district and circuit judges will be reserved by him to be voted upon separately in the Senate.

The bill is before the Senate as in Committee of the Whole, and is still open to amendment.

Mr. JONES of Washington. Mr. President, may I ask the Senator in charge of the bill how long he expects to run this evening?

Mr. SMITH of Georgia. No longer, if Senators prefer to stop. If we wish a quorum to vote upon the amendments reserved it will be useless to go on to-night unless Senators are sent for. I move, Mr. President—

Mr. ASHURST and Mr. GRONNA addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Georgia yield; and if so, to whom?

Mr. SMITH of Georgia. I yield to the Senator from Arizona.

SENATOR FROM MICHIGAN.

Mr. ASHURST. At the request of the senior Senator from Ohio [Mr. POMERENE], chairman of the Committee on Privileges and Elections, who has just been called from the Chamber, and on his behalf, I offer the resolution which I send to the desk and ask that it be referred to the Committee on Privileges and Elections.

Mr. FRELINGHUYSEN. I ask that the resolution just submitted be read by title.

The PRESIDING OFFICER. Without objection, the resolution will be read.

The Secretary read the resolution (S. Res. 415), as follows:

Whereas a petition has been filed with the Senate of the United States by Mr. Henry Ford, of Michigan, contesting the election of Mr. Truman H. Newberry, of Michigan, as a Senator from the said State, and asking for the preservation and recount of the ballots, and the investigation of the unlawful expenditures of money alleged to have been made by and on behalf of the said Mr. Truman H. Newberry, and notice thereof has been given; and

Whereas information has been received to the effect that in certain localities within the State some of the ballots are being destroyed, and that others are likely to be destroyed unless they are taken possession of by the Senate for the purpose of preserving and recounting the same: Therefore be it

Resolved, That the said petition, and the papers and the documents accompanying the same, be, and they are hereby, referred to the Committee on Privileges and Elections for investigation and report thereon; and be it

Resolved further, That the said Committee on Privileges and Elections of the Senate, or any subcommittee thereof, be, and it is hereby, authorized and empowered to take possession of the ballots, poll books, tally sheets, and all other documents and records relating to the said election held for United States Senator in the State of Michigan on the 5th day of November, 1918, and that the Sergeant at Arms of the Senate be, and he is hereby, instructed to carry out the directions of the said Committee on Privileges and Elections, or any subcommittee thereof, in that behalf, and that the said committee on Privileges and Elections, or any subcommittee thereof, be, and it is hereby, directed to proceed with all convenient speed to take all necessary steps for the preservation of the said ballots, poll books, tally sheets, and other documents, and to recount the said ballots, and to take and preserve all evidence as to the various matters alleged in the said petition and notice, and of any alleged fraud, irregularity, and unlawful expenditure of money in the said election and primaries, and to the intimidation of voters, or other facts affecting the result of said election; and be it

Resolved further, That the Committee on Privileges and Elections, or any subcommittee thereof, be authorized to sit during the sessions of the Senate, and during any recess of the Senate, or of the Congress, to hold its sessions at such place or places as it shall deem most convenient for the purposes of the investigation; and to have full power to subpoena parties and witnesses, and to require the production of all papers, books, and documents, and other evidence relating to the said investigation; and to employ clerks and stenographers, at a cost not to exceed \$1 per printed page, to take and make a record of all evidence taken and received by the committee; and to keep a record of its proceedings; and to have such evidence, records, and other matter required by the committee printed; and be it

Resolved further, That the Sergeant at Arms of the Senate and his deputy are hereby required to attend the said Committee on Privileges and Elections, or any subcommittee thereof, and to execute its directions; that the chairman or any member of the committee be, and is hereby, empowered to administer oaths; that each of the parties to said contest be entitled to representatives and attorneys at the recount and the taking of evidence; that all disputed ballots or records be preserved, so that final action may be had thereon by the full committee and the Senate; that the committee may appoint subcommittees of one or more members to represent the committee at the various places in the making of the recount and the taking of evidence, and the committee may appoint such supervisors of the recount as it may deem best; and that the committee may adopt and enforce such rules and regulations for the conduct of the recount and the taking of evidence as it may deem wise, not inconsistent with this resolution; and that the committee shall report to the Senate as early as may be, and from time to time, if it deems best, submit all the testimony and the result of the recount; and be it

Resolved further, That the expenses incurred in the carrying out of these resolutions shall be paid from the contingent fund of the Senate upon vouchers ordered by the committee, or any subcommittee thereof, and approved by the chairman of the committee.

WOMAN SUFFRAGE.

Mr. GRONNA. I ask to have printed in the RECORD a concurrent resolution adopted by the Sixteenth Legislative Assembly of the State of North Dakota.

There being no objection, the concurrent resolution was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF STATE, STATE OF NORTH DAKOTA,

To all to whom these presents shall come:

I, Thomas Hall, secretary of state for the State of North Dakota, do hereby set forth and certify, that the following is the full text and the whole thereof, of a certain concurrent resolution adopted by the Sixteenth Legislative Assembly of the State of North Dakota, on the 11th day of January, A. D. 1919.

Dated at the capitol in Bismarck, N. Dak., this 14th day of January, 1919.

THOMAS HALL,
Secretary of State.

Be it resolved by the Senate of the State of North Dakota, the House of Representatives concurring:

Whereas there is now pending before the Senate of the United States an amendment to the Federal Constitution, known as the Susan B. Anthony national suffrage amendment; and

Whereas the Legislative Assembly of the State of North Dakota believe that the same should be submitted to the States of this Union as an amendment to our Federal Constitution: Now, therefore, be it

Resolved, That the State of North Dakota, through its legislative assembly, does herewith respectfully petition and urge the National Senate of the United States to favorably consider and early approve the said Susan B. Anthony national suffrage amendment; and be it

Resolved, That the secretary of state be instructed to send a copy of these resolutions to the Senators and Representatives of the State of North Dakota in Congress.

RECESS.

Mr. SMITH of Georgia. I move that the Senate take a recess until to-morrow at 12 o'clock noon.

The motion was agreed to; and (at 5 o'clock and 25 minutes p. m.) the Senate took a recess until to-morrow, Saturday, January 18, 1919, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

FRIDAY, January 17, 1919.

The House, under its previous order, met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We wait upon Thee, O God, our Heavenly Father, for that light that never shone on sea or shore but which illumines the mind and purifies the heart. Help us to receive it now, that we may walk worthy of the vocation wherewith we are called this day and all the days of our life. In the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 2021. An act providing for the addition of certain lands to the Sequoia National Park, Cal., and designating it the Roosevelt National Park, in honor of the late President Roosevelt.

The message also announced that the Vice President had appointed Mr. WEEKS and Mr. HOLLIS members of the joint select committee on the part of the Senate, as provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of useless papers in the Department of Commerce.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 2021. An act to add certain lands to the Sequoia National Park, Cal., and to change the name of said park to Roosevelt National Park; to the Committee on the Public Lands.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATIONS.

Mr. BYRNS of Tennessee. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 14078, the legislative, executive, and judicial appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 14078, with Mr. ALEXANDER in the chair.

The CHAIRMAN. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 14078) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1920, and for other purposes.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For expenses of assessing and collecting the internal-revenue taxes, as provided by the "Revenue act of 1918," including the employment of the necessary officers, attorneys, experts, agents, accountants, inspectors, deputy collectors, clerks, janitors, and messengers in the District of Columbia and the several collection districts, to be appointed as provided by law, telegraph and telephone service, rental of quarters outside the District of Columbia, postage, freight, express, and other necessary miscellaneous expenses, and the purchase of such supplies, equipment, furniture, mechanical devices, printing, stationery, law books and books of reference, and such other articles as may be necessary for use in the District of Columbia and the several collection districts, \$21,000,000: *Provided*, That not more than \$500,000 of the total amount appropriated herein may be expended by the Commissioner of Internal Revenue for detecting and bringing to trial persons guilty of violating the internal-revenue laws or conniving at the same, including payments for information and detection of such violation.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. I direct the attention of the chairman to the description of the revenue act, for which \$21,000,000 is appropriated to collect the various revenues arising therefrom. It is described as the "Revenue act of 1918." I question whether that is the proper designation of the bill that is now pending in conference.

Mr. BYRNS of Tennessee. I understand that that act provides that the act may be referred to as the "Revenue act of 1918." That is the reason it so appears in this bill.

Mr. STAFFORD. If that act itself provides for its designation by this terminology, of course, it is a proper description.

Mr. BYRNS of Tennessee. The clerk of the committee informs me that that is the case.

Mr. STAFFORD. Then, I will withdraw the pro forma amendment.

The Clerk read as follows:

Restricting the sale of opium, etc.: For expenses to enforce the provisions of the act approved December 17, 1914, entitled "An act to provide for the registration of, with collectors of internal revenue, and to impose a special tax upon, all persons who produce, import, manufacture, compound, deal in, dispense, sell, distribute, or give away opium or cocoa leaves, their salts, derivatives, or preparations, and for other purposes," as amended by the "Revenue act of 1918," including the employment of agents, deputy collectors, inspectors, chemists, assistant chemists, clerks, and messengers in the field and in the Bureau of Internal Revenue in the District of Columbia, to be appointed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, and for the purchase of such supplies, equipment, mechanical devices, and other articles as may be necessary for use in the District of Columbia and the several collection districts, including not to exceed \$4 per diem in lieu of subsistence, \$750,000.

Mr. ROWE. Mr. Chairman, I move to strike out the last word. I would like to ask, Mr. Chairman, unanimous consent for 10 minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent to speak for 10 minutes.

Mr. STAFFORD. Reserving the right to object, does the gentleman intend to discuss some matter connected with the bill?

Mr. ROWE. Not strictly connected with the bill, but connected with the appropriations we are making. I have not asked for any extra time on this bill or any other bill recently, and I would like 8 or 10 minutes.

Mr. BYRNS of Tennessee. I hesitate very much to enter an objection, but I want to call the attention of the gentleman to the fact that if we can finish this bill to-day or early to-morrow there will be another appropriation bill which will come on immediately, the Diplomatic and Consular appropriation bill, on which there will be considerable debate. If anyone now wishes to speak on this bill concerning matters extraneous to it, of course others will want the same opportunity.

Mr. EMERSON. Let the gentleman have the five minutes to which he is entitled, anyway.

Mr. MANN. I hope the gentleman from Tennessee will not make objection.

Mr. BYRNS of Tennessee. If it will not be treated as a precedent—

Mr. MANN. It will not be.

Mr. ROWE. I do not expect to be here to-morrow.

Mr. BYRNS of Tennessee. Very well. I did not understand that.

The CHAIRMAN. The gentleman from New York [Mr. Rowe] is recognized.

Mr. ROWE. Mr. Chairman and gentlemen, I feel that I should call the attention of the Members of the House to a matter which is not likely to come regularly before this body owing to the fact that the Merchant Marine and Fisheries Committee by unanimous action yesterday tabled House resolution 13159, a bill to authorize the purchase of all the high-power radio stations in the United States by the Secretary of the Navy and authorizing that department to carry on regular commercial business.

In the last session of Congress there was introduced a bill known as House resolution 19350, to regulate radio communications and to authorize the Secretary of the Navy to purchase a part of the radio stations belonging to private companies and situated within the United States. The bill was referred to the Merchant Marine and Fisheries Committee and extensive hearings were held during the month of January, 1917, when the Secretary of War, Commander Todd, and many of the representatives of the Navy and experts in radio appeared before the committee in favor of the bill and a large number appeared in opposition.

Among the members there was decided opposition, and the committee did not act on the measure.

About a month or six weeks ago there appeared reports in the papers that the Secretary of the Navy had purchased from the Marconi Co. their ship-to-shore business, including a large number of low-power stations on the Atlantic coast and the apparatus used on the ships equipped by the Marconi Co. When the bill 13159 introduced in this session was brought on for hearing before the Merchant Marine and Fisheries Committee, on December 12, the first witness in behalf of the measure was

the Secretary of the Navy, and he stated, in answer to interrogatories, that he has purchased the ship-to-shore business of the Marconi Co. and had paid therefor \$1,450,000; and that he had purchased the Federal Telegraph Co. system, chiefly located on the Pacific coast, paying \$1,600,000. On being questioned as to where he got the money and the authority for making these purchases, the Secretary of the Navy stated it was in the "naval appropriation bill," under the title of the "Bureau of Engineers"; and in answer to a further question, he said, "I do not think it was itemized; it has always been a general lump appropriation."

Mr. Chairman and gentleman of the House, many bills have been introduced in Congress during the past year intended to bring about Government ownership of some public utilities. So far as I know, not a single one of these bills has received favorable consideration in the House. When I voted at the last session for the naval appropriation bill I did not intend to authorize the Secretary of the Navy or anyone else to put this Government into the commercial radio business other than during the period of the war and for a reasonable time thereafter. The very fact that the bill advocated by the Secretary of the Navy in the last session of Congress looking to Government ownership of radio was not favorably reported from the committee having charge of it should, I believe, have been sufficient notice to the Secretary that the House was not favorable to such a proposition. I should not have spoken at this time except that I fear that the Secretary of the Navy may make further purchases unless the House gives positive notice that they do not intend to hand over the legislative branch of the Government to the executive department.

Mr. BURROUGHS. Would the gentleman permit a question?

Mr. ROWE. Certainly.

Mr. BURROUGHS. Does the gentleman hold that the Secretary of the Navy had no authority to purchase the ship-to-shore business of the Marconi Co.?

Mr. ROWE. I certainly do.

Mr. BURROUGHS. I agree with you. I am very much interested in what the gentleman has been saying. Inasmuch as he is a good lawyer, I will ask, Can the gentleman suggest a remedy?

Mr. ROWE. Yes; I think that this matter should be referred to the Attorney General to recover and put back in the Treasury of the United States the money paid to the Marconi Co. and the Federal Co.

When the United States declared war against Germany all the companies doing a wireless business in the United States and on shipboard turned their plants over to the Secretary of the Navy and he has been operating them ever since. There is no excuse that can be offered for the purchasing of these stations without the full authority of Congress.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word.

The item under consideration is to authorize the Commissioner of Internal Revenue to enforce the act for the prevention of the sale and use of habit-forming drugs. In the act of this year \$325,000 is appropriated for that service. The committee believed that it was necessary, in view of the many instances called to its attention of the increase in the number of addicts, to provide more than double the amount of the appropriation, so that the growing use of these habit-forming drugs could be checked and curtailed.

In this bill we vote two lump-sum appropriations—one of \$21,000,000 and another of \$4,288,000, or a total of all three appropriations of more than \$26,000,000—to the Commissioner of Internal Revenue for the enforcement of the internal-revenue laws and the Harrison Antidrug Act.

Yesterday it was announced by the gentleman from California [Mr. RANDALL], and the papers of this morning and of last evening carry in bold headlines, that the national prohibitory amendment had been ratified by three-fourths of the States. It means that the National Government is going to be the police officer of the Nation; that instead of localities, small and large, seeking to enforce the State regulatory systems as to the sale of liquor that burden is to be thrown upon the National Government. Instances have been called to my attention where manufacturers are already advertising small stills for the private use of individuals in the making of alcoholic drinks for their individual use.

Mr. LAZARO. Mr. Chairman, will the gentleman yield for a question right now?

Mr. STAFFORD. I yield.

Mr. LAZARO. Has the gentleman any information that he could give the House on the results of the Harrison law—the difference between the number who used these drugs before and the number who are using them now?

Mr. STAFFORD. The gentleman from Illinois [Mr. HENRY T. RAINEY] has made that his special study, and I recall at the past session an occasion when he gave the House full information as to the growing number of addicts in the use of habit-forming drugs. The Commissioner of Internal Revenue, in the brief hearing had on this item, also testified that the tendency throughout the country is for habit-forming drugs to be more greatly used. But I am calling attention to the fact that if the national prohibition law is to be enforced the United States Government will become the police officer of the Nation.

Mr. BANKHEAD. Mr. Chairman, will the gentleman yield in that connection?

Mr. STAFFORD. Yes.

Mr. BANKHEAD. How does the gentleman draw the conclusion that the exclusive burden of enforcing the intrastate legislation would be upon the Federal Government?

Mr. STAFFORD. I draw that conclusion by reason of the condition existing in many of the Southern States, where they have had so-called prohibitory legislation. They have had their private stills there. There have been instances galore where the State laws have not been lived up to, but where the burden has been thrown upon the National Government to have the law enforced. The Commissioner of Internal Revenue in his testimony before our committee stated that even as to the enforcement of the prohibitory law in the District of Columbia the great burden of that work was thrown upon his office, not upon the local police officers or those connected with the administration of local affairs. This fact, judged by the history of the attempted prohibitory legislation in the several States where they have had feigned prohibition, shows that this work is to be imposed upon the National Government.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. STAFFORD. Just one word more. No one can tell how large an appropriation will be required if the national prohibition law is to be enforced in communities where the sentiment is strongly opposed to that strict character of legislation.

Mr. HOLLINGSWORTH. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Ohio moves to strike out the last two words.

Mr. HOLLINGSWORTH. Mr. Chairman, apropos of the statement of the gentleman from Wisconsin that the announcement in the morning papers that on yesterday, January 16, 1919, the national prohibition amendment to the Constitution of the United States was formally ratified by the State of Nebraska, the thirty-sixth State required to complete its adoption as part of the organic law of the country, marks an epoch-making period in the life of the Republic and must take rank in history along with the Declaration of Independence, Lincoln's proclamation of freedom, the surrender at Appomattox, and the recent world victory of the American and allied armies over autocracy and absolutism in the world.

It is a moral triumph of immeasurable importance to future generations.

This House may well, therefore, to-day pause for a moment to congratulate itself on the vote of just one year and one month ago of 282 for and 128 against submitting the proposed amendment to the several States for ratification under the orderly forms provided by law.

With conscious pride, but wholly without personal prejudice against those who do not agree with me, I add to my remarks a brief quotation from the remarks I made in the House on that occasion:

I shall vote for the resolution. Therefore I only deem it necessary to explain to those friends who do not agree with me.

On the general subject of prohibition there is a decided difference of opinion in Ohio. The recent State vote on the subject was not decisive—at least was not sufficiently so to deter its friends from bringing up the subject again. But in the congressional district which for a time I have the honor of representing the majority for prohibition was large, as it was also at the previous election when the question was submitted to the voters, so that it might be said to be an instruction on this point to the district Congressman, even if he did not personally agree in sentiment.

Besides, while I have always tried to deal squarely and treat every law-abiding citizen with due respect, respecting the individual judgment of all men in my district, my own home environment, personal thought, and feelings have always been practically opposed to the use of intoxicants in any form.

Over 6,000,000 people have petitioned Congress for its submission, more than have ever before petitioned Congress on any subject.

What fair answer can be given for refusing their request for a vote on the subject? Can we say that the citizenship of the Republic is not to be trusted?

Besides, for me to refuse to so vote would be to stultify a long personal political and official record. As early as 1881, when a member of the Ohio Senate, as the journal of that year will show, I voted to submit the question of State-wide prohibition to the people of the State. The next year, 1882, as chairman of the Republican State convention at Columbus, in my opening address I personally favored prohibition,

although it was not then as popular as it is now. Freely recognizing during the thirty-odd years intervening since I thus began voting on the subject the right of everyone to exercise his own individual judgment in a political way, I have never sought to hide under a bushel my own record or views, public or private.

It is too late now to begin, if I wished; too late to dissemble even if a candidate for reelection, which I am not.

[Applause.]

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

The Commissioner of Internal Revenue shall submit to Congress on the first day of its next regular session a detailed statement showing the number, designation, and annual rate of compensation of the persons employed and the amounts expended for rent and other authorized purposes in the District of Columbia from the foregoing appropriations for the collection of internal revenue.

Mr. SEARS. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Florida moves to strike out the last word.

Mr. SEARS. Mr. Chairman, in my time I would like to have a letter read, which I send to the Clerk's desk, and to offer an amendment, which will be pending, when we reach page 101, line 1, relating to the Bureau of Education.

Mr. STAFFORD. Of course, Mr. Chairman, I object to any request to have an amendment pending, for the future amendment of the bill.

Mr. SEARS. I trust that the gentleman from Wisconsin will not object. I am leaving to-day on the 2.25 train on account of sickness in the family, and I shall not be here at that time.

Mr. STAFFORD. Of course, under the circumstances, I will withdraw any objection that I might otherwise make.

The CHAIRMAN. Without objection, the Clerk will read the letter.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR,
BUREAU OF EDUCATION,
Washington, January 14, 1919.

Hon. J. W. SEARS,

House of Representatives, Washington, D. C.

MY DEAR MR. SEARS: In response to your request for information in regard to needs of added appropriation for the work of health promotion and physical education in the Bureau of Education, I would say the facts are as follows:

1. At present there is only one man (myself) to handle this important and rapidly expanding work. I took charge of this work last February (1917). In 11 months the requests for advice and assistance, coming from all parts of the country, have more than tripled. These are now far beyond the physical ability of one man.

Two classes of requests are predominant and indicate clearly the lines of expansion.

(1) Requests for assistance in organizing health supervision of schools—field work.

(2) Requests for advice and, to a smaller extent, for practical assistance in organizing physical training in the schools—largely office work with some field work.

A third very urgent need is for a competent secretary-stenographer.

A fourth is a travel fund especially for this work.

2. The items would stack up as follows:

Salaries:	
Field organizer of school health supervision	\$3,500
Organizer for physical training	3,500
Secretary-stenographer (\$1,600)	1,800
Travel expenses	2,500
	11,300

3. The item in the appropriation bill involved is:

"For investigation and promotion of rural education, industrial education, physical education, and school hygiene, including personal services in the District of Columbia and elsewhere."

4. The \$11,300 itemized above should be added to the amount of the current appropriation. It might be well to specify that this additional amount is to be used for physical education and school hygiene over and above the amount used this year for that purpose; and also that not less than \$6,000 of this amount shall be used for personal services and expenses outside of the District of Columbia.

With this additional amount I can guarantee the effective operation of the plans for next year that we have discussed recently.

Yours, very truly,

W. S. SMALL,
In charge Division of School Hygiene and
Physical Education, Bureau of Education.

Mr. SEARS. Mr. Chairman, I ask unanimous consent that the amendment be considered as pending when we reach page 101, line 1. I have requested the gentleman from Alabama [Mr. BANKHEAD] and the gentleman from Iowa [Mr. TOWNER] to try to be present and look after this amendment when we reach it.

Mr. MANN. What is the amendment?

Mr. SEARS. It provides for \$11,300 additional.

Mr. MANN. An amendment in order to be pending must be offered.

Mr. SEARS. I ask that the amendment may be read.

The CHAIRMAN. Does the gentleman desire to have it considered as pending?

Mr. SEARS. Yes. In compliance with the suggestion of the gentleman from Illinois, I will ask that the amendment be read, and then I will make the request that it be considered as pending.

The CHAIRMAN. The Clerk will read the proposed amendment.

The Clerk read as follows:

Substitute for paragraph, page 101, lines 1 to 5:

"For investigation and promotion of rural education, industrial education, physical education, and school hygiene, including personal services in the District of Columbia and elsewhere, \$61,300: *Provided*, That the increase, \$11,300, shall be expended for physical education and school hygiene, over and above the amount of the current appropriation used for that purpose: *And provided further*, That not less than \$6,000 of this additional appropriation shall be used for personal services and expenses outside of the District of Columbia, \$61,300."

Mr. MANN. Now, where is the amendment to come in?

Mr. SEARS. On page 101, as a substitute for the first paragraph. It simply changes the appropriation from \$50,000 to \$61,300.

Mr. STAFFORD. What is the request of the gentleman?

Mr. SEARS. That that amendment be considered as pending when that page in the bill is reached.

Mr. STAFFORD. I have no objection, Mr. Chairman, to the request that the amendment shall be considered as pending, subject to a reservation of a point of order.

The CHAIRMAN. Reservation of a point of order is made by the gentleman from Wisconsin.

Mr. FOSTER. Does the gentleman expect to talk on this amendment when we reach it again?

Mr. SEARS. No. I shall not be here. I dislike to take up the time of the House, but I think I can truthfully say that no Member of the House has taken up less of the time than I.

Mr. STAFFORD. So say we all.

Mr. SEARS. Since I have been chairman of the Committee on Education I have tried to advance the best interests of the young people of my country. I must confess that I have found it hard to secure the passage of legislation along educational lines. When the new majority come in I sincerely trust that they will take a broader view of this question.

For 10 years before coming to Congress I was actively engaged in educational work, and I have yet to find one man, whether he is married and a father or whether he is a bachelor, who has objected to a single dollar appropriated for the purpose of bettering the conditions of the children of the United States. This small appropriation of \$11,300 is asked for the great cause of child-welfare work. In my State much has been accomplished. There is much more to be done. The appropriation carried in this bill for the Bureau of Education is approximately \$185,000. Yet I turn to the preceding page and find appropriated in this bill for the Patent Office \$1,413,300 for the purpose of assisting the people of this country to secure patents. It is possible that when this amendment of a little over \$11,000 is reached in the consideration of the bill some Member of the House may make a point of order, and perhaps the point of order may be sustained. But I sincerely trust that no Member of the House will make a point of order.

I believe the time is coming when, in addition to the Secretary of State, the Secretary of Labor, and the other members of the President's Cabinet, there will be created a great secretary of education, and that the education of the children of this country will take the place in national affairs to which it is entitled. Large appropriations and necessary appropriations are passed in this House—\$500,000 for my own State—to eradicate citrus canker. Hundreds of thousands of dollars are spent annually for the purpose of controlling the gypsy moth, and thousands of dollars are spent to try to control the boll weevil and to protect the pig and raise it to the age when it can be called a hog. It is easy to get appropriations of hundreds of thousands of dollars for such purposes as these; but when it comes to the children of the United States Congress seems to take the attitude that we owe them nothing and that nothing should be appropriated. I sincerely trust that when this amendment comes up no Member of the House will raise the point of order, and that the amendment may be incorporated into the law.

Mr. BANKHEAD. Will the gentleman yield for a moment?

Mr. SEARS. I will.

Mr. BANKHEAD. I think it will be well for the gentleman to explain briefly the purpose for which this additional appropriation is to be used.

Mr. SEARS. The purpose is fully explained in the letter. The expenditure will be under the direction of Dr. Small, who has done and is doing a wonderful work. The main purpose is to improve the health of the children in the schools, and in that way make them more able to prosecute their studies regularly, and so more effectually to become useful citizens.

I wish I could be here when this amendment comes up, but perhaps I could add nothing to what I have already said. I will not take up the time of the House further, except to urge

sincerely that this amendment of only \$11,000, for the benefit of the children of the country, may be incorporated in the bill.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

The Secretary of the Treasury is authorized and directed to discontinue the offices of the assistant treasurers at Baltimore, Boston, Chicago, Cincinnati, New Orleans, New York, Philadelphia, St. Louis, and San Francisco from and after July 1, 1919; and section 3595 of the Revised Statutes and all laws or parts of laws so far as they authorize the establishment and maintenance of offices of assistant treasurers in the cities enumerated are repealed from and after the said date.

Mr. RAKER. Mr. Chairman, I offer the following amendment.

Mr. DYER. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Missouri makes the point of order that there is no quorum present. The Chair will count. [After counting.] Thirty-five Members present, not a quorum. The Clerk will call the roll.

The Clerk proceeded to call the roll, when the following Members failed to answer to their names:

Ashbrook	Dunn	Key, Ohio	Ramsayer
Austin	Eagan	Kless, Pa.	Reavis
Bacharach	Eagle	Knutson	Riordan
Beakes	Estopinal	Kreider	Robbins
Black	Fairchild, B. L.	LaGuardia	Roberts
Blackmon	Fairchild, G. W.	Langley	Rouse
Booher	Farr	Lee, Ga.	Rowland
Borland	Ferris	Lehlbach	Rubey
Bowers	Fess	Leshner	Russell
Brand	Flynn	Lever	Sabath
Britten	Focht	Littlepage	Sanders, Ind.
Brodbeck	Francis	London	Sanford
Browne	Fuller, Mass.	Lundeen	Saunders, Va.
Brumbaugh	Gallivan	Lunn	Schall
Buchanan	Garland	McClintic	Scully
Butler	Godwin, N. C.	McCormick	Sells
Byrnes, S. C.	Graham, Pa.	McCulloch	Shackelford
Caldwell	Gray, N. J.	McKenzie	Sherley
Campbell, Pa.	Gregg	McLaughlin, Mich.	Siegel
Candler, Miss.	Griffin	McLaughlin, Pa.	Slayden
Cantrill	Hamill	Maher	Slemp
Carew	Hamilton, N. Y.	Miller, Minn.	Small
Carlin	Haskell	Mondell	Smith, C. B.
Carter, Mass.	Haugen	Morin	Smith, T. F.
Chandler, N. Y.	Heaton	Mott	Snell
Church	Heintz	Neely	Strong
Clark, Fla.	Helm	Nelson, J. M.	Sullivan
Claypool	Helvering	Nicholls, S. C.	Swift
Cleary	Hood	Norton	Templeton
Costello	Houston	Oliver, N. Y.	Thomas
Cox	Howard	O'Shaunessy	Vare
Crago	Husted	Padgett	Vestal
Curry, Cal.	Hutchinson	Park	Voigt
Davey	James	Parker, N. Y.	Waldow
Davis	Johnson, Ky.	Peters	Walker
Delaney	Johnson, S. Dak.	Platt	Walsh
Dempsey	Jones	Pou	Ward
Donovan	Kahn	Powers	Webb
Dooling	Kelley, Mich.	Pratt	White, Ohio
Drane	Kelly, Pa.	Price	Zihlman
Drukker	Kennedy, R. I.	Ramsey	

The committee rose; and the Speaker having resumed the chair, Mr. ALEXANDER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 14078, and finding itself without a quorum he had directed the roll to be called, when 267 Members answered to their names, a quorum, and he handed in the names of the absentees for printing in the Journal and RECORD.

The committee resumed its session.

The CHAIRMAN. The gentleman from California [Mr. RAKER] offers an amendment, which the Clerk will report.

Mr. LINTHICUM. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LINTHICUM. I did not make a point of order against the paragraph read on page 62, and I desire to do so, and also against the next paragraph, beginning with line 11.

Mr. BYRNS of Tennessee. Mr. Chairman, I submit that the gentleman is too late.

Mr. LINTHICUM. Mr. Chairman, surely I am not too late to make a point of order against the paragraph which has not yet been read, that beginning on line 11, page 62.

The CHAIRMAN. Under the rules the bill is being considered by paragraphs.

Mr. LINTHICUM. The point of order that no quorum was present was made, and the Chair sustained the point, and it was not possible for me to make the point of order.

The CHAIRMAN. The gentleman can not make the point of order against a paragraph which has not yet been read.

Mr. LINTHICUM. That is the parliamentary inquiry which I make. I want to make the point of order against the paragraph that has been read and also against that which has not been read, and I want to find out whether this is the time to make the point against the second paragraph.

The CHAIRMAN. The gentleman can make the point of order against the paragraph that has been read, but not against a paragraph that has not been read.

Mr. LINTHICUM. Then I make the point of order against the paragraph that has just been read.

Mr. BYRNS of Tennessee. Mr. Chairman, I make the point of order that the point of order comes too late. The paragraph was read and the gentleman from California [Mr. RAKER] was recognized to offer an amendment, and his amendment was actually sent to the Clerk's desk when the point of no quorum was made.

Mr. LINTHICUM. Mr. Chairman, I call the Chair's attention to the fact that the gentleman from California rose and offered his amendment immediately upon the conclusion of the reading of the paragraph, when the gentleman from Missouri [Mr. DYER] made the point of no quorum, and the Chair found that the committee was without a quorum.

The CHAIRMAN. That is correct.

Mr. LINTHICUM. Being without a quorum, I had no opportunity to make a point of order and no business has been transacted since that time.

Mr. BYRNS of Tennessee. The gentleman should have made his point of order before the amendment was offered.

Mr. LINTHICUM. I could not, because the gentleman from California was on his feet too quickly.

The CHAIRMAN. The Chair will recognize the gentleman from Maryland to make the point of order under the circumstances. The gentleman will state his point of order.

Mr. MOORE of Pennsylvania. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MOORE of Pennsylvania. With respect to the Chair's recognition of the gentleman from Maryland to make the point of order, as a matter of fact did the Chair recognize the gentleman from California to make the motion to strike out?

The CHAIRMAN. The facts are these: The gentleman from California was recognized to offer an amendment to the first paragraph. At that point the gentleman from Missouri [Mr. DYER] made the point of order that there was no quorum present. The Chair ascertained that there was no quorum present, and ordered the roll to be called. Strictly speaking, perhaps the point of order may be held to come too late, but under the circumstances the Chair is not inclined to deny the gentleman from Maryland the privilege of making the point of order.

Mr. LINTHICUM. Mr. Chairman, the paragraph on page 62, which has been read, endeavors to do away with Subtreasuries in the various cities of this country, and it authorizes the Secretary of the Treasury to discontinue them. It also repeals section 3595 of the Revised Statutes of the United States. I know the claim will be made that this is in order under the Holman rule, because it reduces expenses. This paragraph, however, goes further and repeals the law under which these Subtreasuries are established. It authorizes the Secretary of the Treasury to create new offices, for which there is no law. He is not only authorized to create new officers with specific salaries, is authorized to appoint these respective officers, but legislation is also enacted for the discontinuance of these Subtreasuries. It will be noticed that it creates offices in the Treasury of the United States at Washington and that it creates offices in the Subtreasuries in the various cities; provides for bonds for these officers. A line of legislation is provided in this paragraph and the succeeding one. It may be said that this decreases this appropriation, but certainly a long line of legislation should not be enacted under the guise of coming within the Holman rule, where you decrease an appropriation and lessen expenses. It seems to me that the paragraph is clearly subject to the point of order because it creates new legislation, and they are endeavoring to hang it on the fact that appropriations are somewhat decreased. I make the point of order.

The CHAIRMAN. This whole question was thoroughly considered at the last session of Congress when this provision was up for consideration in Committee of the Whole, and the gentleman from Virginia, Judge SAUNDERS, was in the chair and made a ruling upon it.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the Chair indulge me for a moment.

The CHAIRMAN. Yes.

Mr. MOORE of Pennsylvania. Mr. Chairman, I am familiar with the ruling made last year, and assumed that the Chair would probably follow that decision, but before he rules upon the point made by the gentleman from Maryland, I would direct his attention to that feature of the second paragraph on page 62, which provides for an appropriation of \$75,000 for certain purposes, which, if added to the expenses of making a transference of the existing offices, would mean an increase in expenditures rather than a decrease. The decision of the gentleman from Virginia [Mr. SAUNDERS] was based wholly upon the fact that there was an apparent reduction of expenditures, which would bring the paragraph within the Holman rule.

That does not appear to apply as pointedly at the present time as it did then.

Mr. LINTHICUM. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LINTHICUM. I want to say in reference to the argument made before the gentleman from Virginia [Mr. SAUNDERS] last year that it was in reference to the paragraph down to line 10, embracing that subject, but it did not include from line 10 on, the balance of page 62, and the two lines on page 63, and for that reason I argued the whole question.

The CHAIRMAN. The Chair can only consider the paragraph under consideration, and is clearly of opinion that under paragraph 2 of rule 21 it shall be in order to amend when an amendment is germane to the subject matter of the bill and shall retrench expenditures—the amendment is in order. The attention of the Chair has been called to the ruling made by the Chairman of the Committee of the Whole House on the state of the Union, Judge SAUNDERS of Virginia, when this bill was under consideration at the last session of Congress—Sixty-fifth Congress, second session, page 3226—and is of the opinion that that decision was sound, and, therefore, overrules the point of order.

The Clerk will report the amendment offered by the gentleman from California.

The Clerk read as follows:

Page 62, lines 2 to 10, strike out all of lines 2 to 10, both included, and insert in lieu thereof the following:

"Baltimore, office of assistant treasurer: Assistant treasurer, \$4,500; cashier, \$2,500; paying teller, \$2,000; receiving teller, \$1,900; exchange teller, \$1,800; vault clerk, \$1,800; clerks—2 at \$1,600 each, 3 at \$1,400 each, 3 at \$1,200 each, 3 at \$1,000 each; messenger, \$840; 3 watchmen, at \$720 each; in all, \$31,500.

"Boston, office of assistant treasurer: Assistant treasurer, \$5,000; cashier, \$2,500; paying teller, \$2,500; vault clerk, \$2,000; receiving teller, \$2,000; redemption teller, \$1,800; clerks—1 \$2,200, 5 at \$1,600 each, 1 \$1,500, 1 \$1,400, 2 at \$1,200 each, 3 at \$1,100 each, 4 at \$1,000 each; chief guard, \$1,100; 3 watchmen at \$850 each; laborer and guard, \$720; 4 money counters and handlers for money-laundry machines, at \$900 each; in all, \$46,570.

"Chicago, office of assistant treasurer: Assistant treasurer, \$5,000; cashier, \$3,000; assistant cashier, \$2,000; vault clerk, \$2,250; paying teller, \$2,500; assorting teller, \$2,000; redemption teller, \$2,000; change teller, \$2,000; receiving teller, \$2,000; 2 bookkeepers, at \$1,500 each; clerks—1 \$1,750, 1 \$1,600, 9 at \$1,500 each, 13 at \$1,200 each; attendant for money-laundry machines, \$1,200; hall man, \$1,100; messenger, \$840; 3 watchmen, at \$720 each; janitor, \$720; 8 money counters and handlers for money-laundry machines, at \$900 each; in all, \$71,420.

"Cincinnati, office of assistant treasurer: Assistant treasurer, \$4,500; cashier, \$2,250; paying teller, \$2,000; receiving teller, \$1,800; vault clerk, \$1,600; clerks—2 at \$1,300 each, 4 at \$1,200 each, 2 at \$1,000 each; clerk and stenographer, \$1,000; chief watchman, \$840; 2 watchmen, at \$720 each; in all, \$24,830.

"New Orleans, office of assistant treasurer: Assistant treasurer, \$4,500; cashier, \$2,250; paying teller, \$2,000; receiving teller, \$2,000; vault clerk, \$1,800; assorting teller, \$1,200; clerks—1 \$1,500, 5 at \$1,200 each, 1 \$1,000; typewriter and stenographer, \$1,000; day watchman, \$720; night watchman, \$720; messenger, \$600; 4 guards, at \$720 each; in all, \$28,170.

"New York, office of assistant treasurer: Assistant treasurer, \$8,000; cashier, \$4,200; assistant cashier, \$3,600; chief clerk, \$3,000; check pay division—chief \$3,000, assistant chief, \$2,000, bond clerk and assistant vault clerk \$2,800, paying teller \$3,000, assistant paying teller \$2,250, receiving teller \$2,800; redemption division—chief \$2,700, assistant chief \$2,250, vault and authorities clerk, \$2,500; coin division—chief \$2,700, assistant chief \$2,000, paying teller \$2,100; bookkeepers—chief \$2,400, 2 at \$2,000 each; clerks—1 \$2,300, 2 at \$2,000 each, 1 \$1,900, 1 \$1,800, 1 \$1,700, 4 at \$1,600 each, 7 at \$1,500 each, 9 at \$1,400 each, 5 at \$1,300 each, 8 at \$1,200 each, 1 \$1,000; messengers—2 at \$1,200 each, 5 at \$900 each, 2 at \$800 each; guards—chief \$1,500, 1 \$1,200, 4 at \$1,000 each; superintendent of building, \$1,800; engineers—chief \$1,200, 2 at \$1,050 each; 8 watchmen, at \$720 each; 12 money counters and handlers for money laundry machines, at \$900 each; in all, \$150,460.

"Philadelphia, office of assistant treasurer: Assistant treasurer, \$5,000; cashier, \$2,500; paying teller, \$2,250; coin teller, \$2,000; vault clerk, \$1,900; bookkeeper, \$1,800; assorting teller, \$1,800; receiving teller, \$1,700; redemption teller, \$1,600; clerks—1 \$1,600, 2 at \$1,500 each, 2 at \$1,400 each, 1 \$1,300, 5 at \$1,200 each, 1 \$1,000; chief guard, \$1,100; 5 counters, at \$900 each; 6 watchmen, at \$720 each; 4 money counters and handlers for money laundry machines, at \$900 each; in all, \$49,770.

"St. Louis, office of assistant treasurer: Assistant treasurer, \$4,500; cashier, \$2,500; paying teller, \$2,000; receiving teller, \$1,800; change teller, \$1,600; coin teller, \$1,200; clerks—2 at \$1,500 each, 5 at \$1,200 each, 2 at \$1,100 each, 3 at \$1,000 each, 3 at \$900 each; 2 watchmen, at \$720 each; 2 janitors, at \$600 each; guard, \$720; in all, \$33,860.

"San Francisco, office of assistant treasurer: Assistant treasurer, \$4,500; cashier, who also acts as vault clerk, \$2,800; bookkeeper, \$2,400; paying teller, \$2,400; receiving teller, \$2,000; clerks—1 \$2,000, 2 at \$1,800 each, one \$1,500; stenographer and typewriter, \$1,200; messenger, \$840; 4 watchmen, at \$720 each; 2 guards, at \$720 each; in all, \$27,160."

Mr. STAFFORD. Mr. Chairman, I make the point of order that the amendment is not germane to the paragraph under consideration. The paragraph under consideration, which the Chair has held to be in order, provides merely for the discontinuance of the office of assistant treasurer at these respective places and refers to the section of the Revised Statutes which provides for the appointment of assistant treasurers at these respective places. I will not contend, Mr. Chairman, that it would not be

in order, after action is had upon this amendment providing for the discontinuance of these respective offices, to offer as a separate paragraph that which is now offered by the gentleman from California, but to say that to a paragraph which seeks to abolish the office of assistant treasurers and refers to the section of the Revised Statute which merely provides for the appointment of assistant treasurers, it is possible to add an amendment providing for all the machinery for the administration of those respective offices, the Chair will see is not germane to the matter under consideration.

Mr. MOORE of Pennsylvania. Mr. Chairman, if the gentleman from Wisconsin is correct, which I think he is not, the law-making body would be put in this position, that whereas it enacts legislation which under the rules becomes existing law where parliamentary points are concerned, all that it would be necessary for any committee of the House to do would be to bring in an amendment that is germane to the Holman rule and thus prevent the law-making body from sustaining existing law. The situation here is this, that we are now operating under law made by Congress; that is to say, the existing law is literally that contained in the amendment offered by the gentleman from California. The Committee on Appropriations brings in an amendment which proposes to overthrow that law. Under a point of order debate is prevented on the question of retaining existing law, because the Holman rule is invoked. There is no way of sustaining existing law under this practice except it be that the Committee of the Whole have the privilege of discussing the merits of the proposition which the gentleman from California presents. What he has offered in lieu of the committee's tender is existing law. The gentleman from Wisconsin, if his point of order should be sustained, would prevent the House from standing by its own enactment.

Mr. MANN. Mr. Chairman, while I have personally been in favor of the abolishment of these offices, still as a matter of parliamentary law it seems to me the amendment offered by the gentleman from California is germane to the paragraph. Here is the question: Shall we continue or discontinue the Subtreasuries? Now, the House has the right to vote upon that proposition, whether we shall continue the Subtreasuries or whether we shall discontinue them. It is true the gentleman might have moved to strike out the word "dis" in "discontinue" and then strike out the latter part of the paragraph so that would continue; but after all, whether we shall continue is germane or whether we shall discontinue. Now, the gentleman offers an amendment to take the place of the discontinuance of the Subtreasuries, substantially providing that they shall be continued and providing for salaries for them. I do not see how it can be claimed that it is not germane for the House, if it prefers to continue the Subtreasuries, to vote directly upon the point whether it shall continue or discontinue in one vote instead of requiring the House to vote twice upon the proposition.

Mr. STAFFORD. If the Chair will indulge me further, Mr. Chairman, I respectfully contend that the question for decision by the Chair is whether in a separate bill brought into the House from the proper committee providing for the discontinuance of these offices of assistant treasurers in the language as found in this paragraph under consideration it would be in order to provide for all the machinery of the offices, which are in existence or which may not be in existence, for the management of those offices. If the Chair will observe closely, this paragraph provides only for offices of the assistant treasurer, and the section of the statute referred to provides for those officers only. May I be permitted to read that statute:

That there shall be assistant treasurers of the United States appointed from time to time by the President, by and with the advice and consent of the Senate, to serve for the term of four years, as follows—

Then giving the names of the places. It would not be in order, I contend, for any Member to arise and provide for a large number of officers other than of assistant treasurer and substitute that for the bill which is now under consideration before this committee as proposed in the amendment of the gentleman from California.

The CHAIRMAN. Right at that point. Does the amendment offered by the gentleman from California [Mr. RAKER] include any other appropriations than those authorized under existing law?

Mr. STAFFORD. It does not, Mr. Chairman.

The CHAIRMAN. Another thing. Does his amendment include anything else than in existing law?

Mr. STAFFORD. It is the same phraseology as the existing law. The question now is whether the assistant treasurers shall be continued, for the very reason that in the next paragraph there is provision made for the continuation of some of the officers, clerical and subclerical positions, as provided for

in the amendment of the gentleman from California. You reach the desired end by submitting to the House the question as to whether the office of the assistant treasurer shall be continued or not. It is within the privilege of any man here to move to strike out this paragraph. If that motion prevails, as I said in the beginning, it would be in order, then, for the gentleman from California [Mr. RAKER] to offer his amendment, either as one or separately, to provide for the continuance of these respective assistant treasurers. The question before the Chair is this, if a separate bill providing alone for the discontinuance of the office of assistant treasurer, whether it would be in order to provide for the continuation of all the machinery whereby those offices are conducted. I direct the Chair's attention to the fact that the subsequent section, section 3596, provides for the salaries of these assistant treasurers and the subsequent section provides for other authorizations for these assistant treasurers.

The one question that is before the committee under the paragraph under consideration is the continuance of the office of the assistant treasurers and not, Mr. Chairman, the help, clerical, and subclerical, that is connected with those offices. It is merely a question of abolishing the offices of the assistant treasurers as referred to in section 3595.

Mr. IGOE. Will the gentleman yield? Does not the paragraph also provide for the repeal of the law which authorizes the establishment and maintenance of offices of assistant treasurers?

Mr. STAFFORD. It does not.

Mr. IGOE. It certainly does.

Mr. STAFFORD. The section referred to merely provides for these assistant treasurers. I have the statute, and I have read it.

Mr. IGOE. The paragraph as you have reported it mentions the establishment and maintenance of the offices of the assistant treasurers.

Mr. STAFFORD. The question referred to, Mr. Chairman, the only question before the committee, is whether the offices of assistant treasurers shall be discontinued or not. The House may take a direct expression on that question on a motion to strike out, and, if it is stricken out, then I will say it will be in order for the gentleman from California [Mr. RAKER] to offer his amendment.

Mr. FOSTER. If the gentleman will permit, I am not for these Subtreasuries, but the gentleman states there is no authorization except for the subtreasurers. It has been only a few years ago when Congress, by an amendment from the Committee on Appropriations, legalized the salaries as then existing.

Mr. STAFFORD. If the gentleman will permit, I did not make that statement.

Mr. FOSTER. The gentleman talked about these subordinate offices. The next year they legalized all the offices then in existence, so that there was the machinery of the offices and the clerks, and a point of order would not be good on that.

Mr. STAFFORD. I have already stated three times in my argument that it would be in order to offer it as a separate item, not as a substitute for this provision. It is not germane to the paragraph under consideration.

Mr. MANN. As I understand my friend from Wisconsin [Mr. STAFFORD], his position is that it might be in order now to move to strike out the paragraph and insert the salaries of the subtreasurers. It is not in order to include with that amendment a provision for the salaries of the other officials of the Subtreasuries—clerks, accountants, counters, and so forth. It would be in order, in my judgment, if there was a legislative bill on the floor of the House, with a paragraph similar to the paragraph under consideration, to move to substitute for that provision a provision for salaries for the various officers of the Subtreasuries. This is not a legislative bill. This is an appropriation bill. It would not be in order on a legislative bill to make provision for the appropriations for these offices where it merely provided for the discontinuance of the subtreasurers. But this is an appropriation bill, where it is in order to make appropriations for the subtreasurers. And if we can provide the salaries for the subtreasurers in the amendment, it seems to me that we can go ahead and in the same provision provide for the salaries of the officers necessary to maintain the Subtreasuries.

Mr. FOSTER. I call my colleague's attention to the act of March 4, 1915, which says that the officers and employees of the United States whose salaries are therein appropriated for are established and shall continue from year to year to the extent that they shall be appropriated for by Congress. So we have made them permanent.

Mr. STAFFORD. There have been some additional ones added since that. I am not making that point. I wish to say

that the Chair should be guided by the position that this is a legislative provision. If we are going to have any continuity of decision, it should be the same whether it is a legislative provision on an appropriation bill or if it is offered as a separate bill.

The CHAIRMAN. The Chair is ready to rule. The paragraph in question provides that—

The Secretary of the Treasury is authorized and directed to discontinue the offices of the assistant treasurers at Baltimore, Boston, Chicago, Cincinnati, New Orleans, New York, Philadelphia, St. Louis, and San Francisco from and after July 1, 1919; and section 3595 of the Revised Statutes and all laws or parts of laws, so far as they authorize the establishment and maintenance of offices of assistant treasurers in the cities enumerated, are repealed from and after the said date.

That provision or paragraph would be subject to a point of order as new legislation if it were not for the Holman rule, which provides that legislation may be incorporated in appropriation bills where it retrenches expenditures or decreases the whole amount covered by the bill. Manifestly, if these Subtreasuries are abolished, it would diminish expenditure. For that reason, under the Holman rule the paragraph is in order.

Now, the gentleman from California [Mr. RAKER] offers an amendment, the purport of which is to restore provisions for the subtreasurers and the other officers and employees in Subtreasuries, all now authorized by law.

We have on the one hand the proposition to abolish the Subtreasuries and on the other hand the proposition to make provision by appropriation for the continuance of the various offices named in this paragraph of the bill. It seems to the Chair that the amendment offered by the gentleman from California is germane to the subject matter of the paragraph. On the one hand the proposition is to abolish the Subtreasuries; on the other hand to make appropriations for the Subtreasuries now authorized by law. The point of order is overruled.

Mr. RAKER. Mr. Chairman, I want to suggest to the gentleman from Tennessee [Mr. BYRNS] that Messrs. LINTHICUM, COADY, GARD, IGOE, DUPRÉ, BENSON, and NOLAN each desires five minutes, and others.

Mr. MADDEN. I would like to have 10 minutes.

Mr. MOORE of Pennsylvania. I want 10 minutes.

Mr. RAKER. And the gentleman from Ohio [Mr. LONGWORTH] desires five minutes.

Mr. DUPRÉ. Is the gentleman including those who favor the proposition or only those against it?

Mr. RAKER. Both. I ask unanimous consent, Mr. Chairman, that we have an hour's debate on this amendment.

Mr. BYRNS of Tennessee. I would like to make it less if we can. I will say to the gentleman that this matter has been so thoroughly discussed heretofore that we should not take an hour now.

Mr. DUPRÉ. That is one of the reasons why I am surprised that the committee brought it in.

Mr. BYRNS of Tennessee. That may be so, but we should not take so much time on it now.

Mr. DUPRÉ. I am wondering why the committee did not bring in its old mileage proposition and add that to the bill. [Laughter.]

Mr. LINTHICUM. I would like to have 10 minutes.

Mr. BYRNS of Tennessee. The gentleman from California suggests an hour, and I assume that the gentleman from California will agree that that time be allotted by the chairman among those for and against the proposition.

Mr. LINTHICUM. I am not willing to consent to that.

Mr. MADDEN. I do not want gentlemen to understand that I am for this proposition.

Mr. RAKER. I ask, Mr. Chairman, that the time on this amendment be limited to an hour, the Chair to recognize alternately those for and against the amendment and divide the time equally.

Mr. LINTHICUM. That might be all right, but if we have got to divide the time equally between those for and against we might not get any time. I would like to know whether I can get some time.

Mr. MADDEN. Why not, if it is to be equally divided?

Mr. LINTHICUM. There may be more for the bill, and that would diminish our time.

Mr. BYRNS of Tennessee. Mr. Chairman, if the gentleman from Maryland has such a good proposition he ought certainly to be willing to submit it to the House without extended debate.

Mr. RAKER. I think it is fair, Mr. Chairman, to have the time equally divided.

Mr. LINTHICUM. I object.

The CHAIRMAN. The gentleman from Maryland objects.

Mr. RAKER. You will get cut out entirely if you do that.

Mr. BYRNS of Tennessee. If we can not agree to this proposition it is up to the House to decide.

Mr. MANN. I think we ought to proceed with this debate, if we are to be required to stay here until 10 o'clock to-night.

Mr. LINTHICUM. Mr. Chairman, I will withdraw my objection, so far as I am concerned.

The CHAIRMAN. The gentleman from California [Mr. RAKER] asks unanimous consent that the debate on this paragraph be limited to an hour, to be equally controlled by those for and against the amendment.

Mr. MANN. Recognition to be made by the Chair. The Member does not control any of the time.

The CHAIRMAN. One-half of the time to be used by those in favor of the bill and one-half by those opposed to the bill, and the time to be equally apportioned between them. Is there objection?

Mr. DYER. Mr. Chairman, may I ask a question? I want to reserve the right to object. I understand the Chair is to recognize gentlemen. I take it, of course, that the gentleman from Tennessee and the gentleman from California will make suggestions to the Chair.

Mr. MANN. No. The Chair will make his own suggestions.

Mr. RAKER. No. The Chair will do that himself.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The Chair would suggest that those for and those against get together and apportion the time and submit requests to the Chair.

Mr. RAKER. I want to state to the committee, Mr. Chairman, that it is moved to strike out all of the paragraphs on page 62 and the first two lines of page 63.

Mr. MOORE of Pennsylvania. The suggestion just made by the Chair was so unusual a one that I would like to ask if it is in accordance with the rule.

The CHAIRMAN. Oh, no. The Chair will guess. [Laughter.]

Mr. MOORE of Pennsylvania. I would like to inquire who the gentlemen are who are to get together to suggest this list to the Chair?

Mr. BURNETT. Mr. Chairman, I suggest that a caucus could be held in the elevator.

Mr. JUUL. Mr. Chairman, something might transpire here that would be of interest to the Members, and I would like to know what is going on. I can not hear what is going on.

The CHAIRMAN. One hour has been given to the discussion of this amendment. The Chair would like to have some suggestion about the time each Member will occupy.

Mr. IGOE. I will state that I will relieve the Chair of five minutes.

Mr. RAKER. I suggest that when the Chair recognizes a man in favor of the amendment he recognize him for five minutes and no longer.

Mr. MANN. That is all he can recognize him for.

Mr. RAKER. I think that is right.

The CHAIRMAN. The gentleman from California [Mr. RAKER] is recognized for five minutes.

Mr. RAKER. Mr. Chairman, the amendment is the language of the present law, No. 188, Sixty-fifth Congress. The purpose of the amendment is to reestablish or to keep these Subtreasuries in operation as they now are.

I want to call the attention of the committee to the hearings on this subject of the independent Treasury, held on Wednesday, November 2, 1918, before the Committee on Appropriations, found at pages 411 to 415 of the hearings. As I read those hearings the only possible intimation is as to the reducing of the clerical force. That is found on page 411, and this significant statement appears, being found on page 415:

Mr. BYRNS. In the San Francisco office there is no change.

Mr. HUDDLESON. No, sir.

Mr. BYRNS. Have you any information which would enable the committee to reduce that force?

Mr. HUDDLESON. San Francisco asked for additional help, and for a time I think it was intended to recommend two additional clerks there, but upon further consideration the Secretary decided not to recommend an increase at this time.

The only evidence before the committee is that they need more assistance to do the actual, legitimate, necessary work in that office, and there is nothing to show that the force should be reduced.

Mr. BYRNS. Suppose the committee should decide to reduce the number of employees in some of these Subtreasuries, the work could be performed, could it not, by other agencies of the Government if it was reduced to such an extent as to interfere with the duties now being performed?

Mr. HUDDLESON. If it was reduced to such an extent that the assistant treasurer would find it impossible to keep the work current, it would be necessary to have a portion of it transferred to Washington,

if it were of a character which could not be performed by a Federal reserve bank, provided the Subtreasury and the Federal reserve bank were in the same cities.

Now, the reduction of the force would transfer the work to Washington, where the Treasury is already overburdened because of so much activity, so much need for space, so much need for help, where the clerks can not be properly housed and provided for. The building in San Francisco cost the Government over \$500,000. It is well equipped, well provided for. I have here a statement that shows that if this work should be attempted to be transferred to the Federal reserve bank, it would cost 20 per cent more to perform it in the Federal reserve bank than it does in the Subtreasuries; and if they could not do it there, they would have to transfer it to the city of Washington. Now, there is no evidence taken before the committee that this should be reduced, but the man who appeared before the committee stated that the work would have to be transferred to Washington if that were done. Therefore it is evident that had there been any lack of necessity, if there had been any objection to any of these Subtreasuries, the committee would have heard it, and it would have been presented, and we would have it before the House now. But, to the contrary, the only evidence is affirmative that they should not even reduce the force; that the department had been of the opinion that they should increase it, but because of present conditions they thought they would house them a little closer and do a little more work by those who are there.

This is a statement in regard to the San Francisco Subtreasury:

THE TREASURY DEPARTMENT,
UNITED STATES SUBTREASURY,
San Francisco, Cal., January 11, 1919.

HON. JOHN E. RAKER,
House Office Building, Washington, D. C.

DEAR FRIEND: According to the morning papers the appropriation bill reported to the House by the committee on yesterday made no provision for the maintenance of the nine Subtreasuries, other than the one in New York, so, as I take it, if the bill is finally passed in its present form there will be no appropriation for the Subtreasuries, other than the one in New York, for the next fiscal year.

It seems that this is the same old way by which it is hoped to abolish the Subtreasuries without direct legislation to that effect. I understand it is claimed by those opposed to the Subtreasuries that the work of the Subtreasuries can be performed by the Federal reserve banks. While this is true, it will require much remedial legislation before the Federal reserve banks are authorized to take over the work of the Subtreasuries, and it will cost the Government more to do the Subtreasury work in the Federal reserve banks than it now does to do it in the Subtreasuries, for the reason that the Federal reserve banks pay their employees much higher salaries.

During the past year I have held our little working force with a great deal of difficulty, because of higher wages held out to a portion of it by the Federal reserve bank here, and finally one of our best clerks resigned and accepted employment at the Federal reserve bank at an increase in wages of about 20 per cent; I then took the matter up with the directors of the Federal reserve bank, and asked them not to take any more of our employees, as we were working under fixed appropriation and could not compete with it or the other banks in the way of salaries.

In 1916 the San Francisco Subtreasury did the largest business in its history up to that time, but in 1917 and 1918 this business was more than doubled and discharged with practically the same working force.

The only two Subtreasuries that are housed in buildings owned by the Government are the ones located in New York and in San Francisco; this building cost with its vaults and lot, over one-half million dollars, and is suitable only for Subtreasury purposes. The Federal reserve bank here has acquired its own banking building; it has over 300 employees, and there is not enough floor space in this building for over 100 employees, if they were crowded as close together as possible, as you know it is only one story, with an alcove for the surveyor general's office.

Again, San Francisco is 3,000 miles from Washington, and this Subtreasury often represents the Comptroller of the Currency, the Treasurer of the United States, and the Secretary of the Treasury, as a matter of convenience, and because of the long distance and time required for transmission by mail.

Mr. SIMS, of Tennessee, who fought the Subtreasuries last session, wrote a friend of mine here that he thought an exception ought to be made of the San Francisco Subtreasury, because it was so far from Washington and the only one west of the Mississippi River.

I wish you would kindly take up this matter with the California Congressmen; also, kindly have sent me a copy of the appropriation bill as reported.

Very sincerely, yours,

WM. J. MCGEE.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. DYER. Mr. Chairman and gentlemen of the Committee, the distinguished gentleman from California [Mr. RAKER] was unable to find anything in the hearings upon the present bill pertaining to the Subtreasuries for the reason that no such hearings were had. This matter was considered in the hearings upon the bill a year ago, at which time it was very extensively considered. In those hearings, beginning at page 448, very complete statements are found, and they show that there is no necessity at this time for these Subtreasuries. It shows that there is every facility for doing the work in the Federal reserve banks.

Mr. BENSON. Will the gentleman yield?

Mr. DYER. No; I can not. I have only five minutes. In that session of Congress the bill went to the Senate with the Subtreasuries eliminated. In the Senate they were put back, and while I do not want to criticize the other body, yet I believe they were put back largely for the reason that the Senators of the dominant party make the recommendations of the subtreasurers. In other words, this is nothing more or less than a desire on the part of certain Senators and others to keep certain men in office. We are expending for the Subtreasuries over \$600,000, and I know, and you who have given any consideration to this question know, that it is purely a waste of the public money; and when we are putting extraordinarily high taxes upon the people is it not time that we do something in defense of the people who pay the taxes? Simply because there are people who want to be upon the pay roll, shall we continue to vote for these useless and worthless offices? The present Secretary of the Treasury has been, and I am sure to-day is, in favor of abolishing these Subtreasuries. He has voted in this House upon more than one occasion to abolish these Subtreasuries as useless and needless, and in justice to ourselves we ought to vote to get rid of them.

I take this position, Mr. Chairman, notwithstanding the fact that my city and the district that I represent has in it one of these Subtreasuries. We have it there, and I know the situation. I have talked with bankers and business people in my city, and I know personally there is no need, there is no demand upon the part of the banking and business interests for the continuation of these Subtreasuries. We ought to determine now to put ourselves on record, as we have done before, in favor of abolishing some of the useless offices, and help to relieve the people of these unjust and burdensome taxes. The Committee on Appropriations last year considered this matter most thoroughly and completely. The situation was examined by men who understand these things, and they went into it. They considered it from every standpoint. They considered it from the standpoint of what part of this work the Treasury Department itself could do and what part the Federal reserve banks could do, and they recommended that they be abolished, and now that we have the opportunity again I hope we will do it by such a decisive vote that even those at the other end of the Capitol will not dare to again put back these offices purely, in my judgment, for the purpose of keeping some distinguished Democrats upon the pay roll. I hope we will concur with the recommendations of the committee.

Mr. IGOE. Mr. Chairman, if my colleague had read the hearings of last year before the Committee on Appropriations, he would have found that the department at that time recommended that these Subtreasuries be continued. Of course he himself claims that it is purely for the purpose of keeping somebody in office. I do not make any plea for that purpose, but I do say that an important agency of the Government like a Subtreasury should not be abolished without the recommendation of the department under which it comes. I do not know what the present Secretary of the Treasury would say, now that he is in office in the Treasury Department. I do know that last year the Assistant Secretary of the Treasury stated to the committee that the department is not ready to recommend that any of these Subtreasuries be abolished, and said that "to-day the position is that the Subtreasuries are performing more work than they have in recent years," and that "those in cities where the Federal reserve banks are located are being called upon to perform more work just because the Federal reserve banks are there." He added that nowhere in the world are Government funds turned over to a private institution, and that the Federal reserve banks are private institutions. I want to call the attention of the House, and especially of my good friend from Illinois [Mr. MADDEN] to the fact that the recommendation for the abolishment of these Subtreasuries does not come from the department, but comes from the Bureau of Efficiency, headed by Mr. Brown. He made the claim that it would result in a great saving. The strange thing about it is that the men who have been running the Treasury Department, after investigating that report, are unable to find that it will result in any saving whatever, and for the information of my friend from Illinois, who will assail this item in a few minutes, I desire to quote as follows from the Assistant Secretary of the Treasury:

I think that the estimate which the bureau makes, and which, by the way, it makes by way of estimate merely, as it says "we hazard a guess," or "we think it is possible," that a saving of \$75,000 can be made is unsupported, so far as this report is concerned, by figures. I feel that the estimate is unwarranted. The best opinion that the Secretary is able to obtain is that the functions which the Subtreasuries are performing are being performed economically.

If the House wants to take the recommendation of the Efficiency Board, of course these will be abolished; and if they

want to take the recommendations of the men who actually know something about the wants of the financial system of the country they will continue them. No proposition is submitted by the committee to take the place of these institutions, and there has not been presented in the hearings of this year the testimony of a single person connected either with the Government or with private business recommending that they be abolished. I submit that there will not be a saving of a single penny, because to provide vault space alone for the money that is contained in these treasuries would cost more than it costs now to pay the salaries of these people. Until the Treasury Department has worked out a careful plan and recommends that these Subtreasuries are to be abolished, I submit that this House ought to allow them to remain and appropriate for them for the coming year.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. IGOE. Yes.

Mr. MADDEN. Would the gentleman be willing to abolish them all except the vaults? He seems to think the vault space is all that is needed.

Mr. IGOE. No; there is other work necessary. Until the Government provides for taking over this work, I do not think this House ought to act. When the Treasury says they ought to be abolished, let us do it.

Mr. MADDEN. Mr. Chairman, when the Federal reserve act was passed it was distinctly understood that the Subtreasuries throughout the United States would be abolished. Everybody realized that the Federal reserve banks throughout the country were to be equipped to perform the functions of the Subtreasuries, and, as a matter of fact, the Subtreasuries, since the organization of the Federal reserve banks, have been an additional expense to the Government, which ought not to be continued. The mere fact that we organized the Federal reserve banks to perform all of the financial functions of the Government, and the organized banks in most of the places where we have Subtreasuries, should be sufficient argument in favor of abolishing the Subtreasuries. When an office is once created, it is the most difficult thing in the world to set it aside, and even though we now approve the report of this committee and abolish the Subtreasuries, I feel certain that when the bill goes to the Senate the Subtreasuries will be inserted again, because this is senatorial patronage, and a Senator never by any chance will let go of a job, if he can help it. There ought to be some means by which we can make the Government function along reasonable, decent business lines, and the abolishment of the Subtreasuries will certainly be a movement in that direction. We have one of these Subtreasuries in Chicago, but I have heard no one in Chicago say that it is necessary as a part of the Government activities, and even if some one did say so, I have long since reached the conclusion that the maintenance of these institutions is largely for the purpose of continuing patronage where some one has the power to appoint.

Mr. LONGWORTH. Will the gentleman yield?

Mr. MADDEN. I will.

Mr. LONGWORTH. The gentleman then realizes, however, as suggested by the gentleman from Missouri, that the real author of this proposition is the gentleman whom he so vigorously criticized yesterday, the head of the Bureau of Efficiency?

Mr. MADDEN. I do not know about that, I shall say something about him a little later in the day.

Mr. LONGWORTH. I gathered from what the gentleman said yesterday that no recommendation he could make would be followed by the gentleman from Illinois, and he is the author of this proposition.

Mr. MADDEN. The gentleman does not quote me correctly on that; but, regardless of the recommendation made by Mr. Brown—in spite of the recommendation—I am in favor of the abolishment of the Subtreasuries, and I am going to pay my respects to Mr. Brown on another topic later in the day.

Mr. RUCKER. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. RUCKER. I suggest to the gentleman from Ohio I do not understand Mr. Brown predicated his act of the suggestion of the removal of the Subtreasury from Chicago on account of the immorality of that city, or St. Louis, either?

Mr. MADDEN. Of course, I can not tell what his purpose was in making the recommendation; but in spite of the recommendation I am for the discontinuance of the Subtreasury in Chicago and in every other city in the United States, for I maintain we have all the equipment in the local Federal reserve banks to do the work that is necessary to be done for the Government of the United States.

Mr. LINTHICUM. Will the gentleman yield?

Mr. MADDEN. I will.

Mr. LINTHICUM. But have you the legislation by which these reserve banks can take over this Subtreasury business?

Mr. MADDEN. Yes; we have the legislation, but we do not need the legislation. All we need to do is to close these places that are now performing an unnecessary function.

Mr. LINTHICUM. Is the gentleman positive about that?

Mr. MADDEN. And under the Federal reserve law we will find a way to do the thing that is necessary to be done to make this saving. The Federal reserve act is clear, and it was the intention when it was passed to include in its activities the work that is being done by these institutions that are an incubus on the body politic. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I have no interest in the politics of this situation, if there is any politics in it. The Subtreasury in the city of Philadelphia is an ancient and time-honored institution, which our business people would like to retain. I assume that reason holds with other gentlemen here defending the Subtreasuries in other cities. Last year it was proposed we should concentrate the Subtreasury business in one city. I opposed that proposition, and I oppose the proposition to-day of concentrating the business of the Subtreasuries at the Capital City. Last year it was New York City; this year it is Washington.

Mr. WALSH. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. WALSH. Is not it within the power of the President under existing law to discontinue them, if he sees fit, under the so-called Overman bill?

Mr. MOORE of Pennsylvania. It might be.

Mr. BARKLEY. That bill only applied to the period of the war.

Mr. MOORE of Pennsylvania. If the President agrees with the quondam Secretary of the Treasury, he would not be for the abolition of these Subtreasuries. I think the best witness we have had on this entire question was Mr. McAdoo, former Secretary of the Treasury. Last year when the question was up I read from the letter written by Mr. McAdoo, December 6, to the Speaker of the House of Representatives, in which he said what I would like gentlemen who are opposed to Subtreasuries to-day to bear in mind. I am quoting Mr. McAdoo:

It will be seen that the cost of maintaining these institutions, treating the Subtreasury system as a whole, is only one one-hundredth of 1 per cent, approximately, on the total transactions involved, an insignificant sum compared with the business done, the importance of the service performed, and the convenience afforded to the public. Aside from New York, the cost of maintaining the other eight Subtreasuries is \$247,416.88, which is a comparatively small sum to pay for the service and convenience they provide. If these institutions were abolished, the total cost of operating them would not be saved, as a counter expenditure by the office of the Treasurer in Washington resulting from the increased work that would be thrown upon that office would be entailed.

There you have it in a nutshell. Talk about the Holman rule, talk about retrenchment, talk about economy, and urge these reasons for the abolition of the Subtreasuries, and your Secretary of the Treasury tells you they are unfounded; that you simply transfer the expense from the maintenance of the Subtreasuries that exist to the maintenance of what will be equivalent to Subtreasuries somewhere else. Where? In New York or in Washington? Heaven forbid we should concentrate them in the city of Washington. We have had enough of concentration in the city of Washington. We have had enough of centralization of official life in Washington. I am for bringing no more clerks to Washington. I am not for creating any more offices with headquarters in Washington. I am for distributing what we now have. The business men of my city insist that the Subtreasury has been a useful institution, the banks insist that it has been useful, and the Federal reserve officers of my city have testified to the value of this Government agency.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LONGWORTH. Mr. Chairman, I believe I was to be recognized for five minutes, and the gentleman from Pennsylvania is making a very forceful speech; we are in exact agreement, and I ask that I may yield him my time of five minutes.

The CHAIRMAN. The gentleman's time will be extended for four minutes.

Mr. MOORE of Pennsylvania. I thank the gentleman from Ohio.

Here is a question which we are bound to consider sooner or later. It applies in this case. Take the war-risk insurance. What did we do? In the haste of war legislation we provided an establishment that was small at the beginning but that grew to such enormous proportions, with headquarters in Washington, that to-day no Member of Congress can intelligently and satisfactorily do

business with that bureau. Its clerks overlap, its correspondence is lost, its records are missing, and great suffering results to the dependents of this Government through our soldier activities in every section of the country. Would it not have been better if, sitting deliberately as we are now, we had provided that this business be distributed where we could have facilitated the work of caring for the business of our more than 4,000,000 soldiers? Yet we have concentrated it all here in the Capital; and we would like to unscramble it, every one of us. We may yet be obliged to unscramble it. It may be necessary before we get through that the complaints that come from soldiers' families all over the United States, due to governmental incompetence here in Washington, shall be answered nearer home—in Chicago, in San Francisco, in St. Louis, in New Orleans, in St. Paul, in Philadelphia, in Baltimore, in New York, or a dozen other different cities, after the method of the Federal reserve districts.

You say that this is a matter of expense; that you are going to save the Government by abolishing these Subtreasuries. How are you going to do it? By increasing the power of the Federal reserve banks? Or are you going to bring these Subtreasury agents in these various cities down here to Washington and dump them along with the rest for whom we will have to provide housing accommodations? Is that the plan? I would rather have the views of the Secretary of the Treasury upon this subject. He has been for the retention of these agencies. The one voice, except those that may be political, that we have heard urging the abolition of these agencies comes from an Efficiency Bureau, which was denounced upon this floor yesterday in unmeasured terms by the gentleman from Illinois [Mr. MADDEN], who speaks to-day, unwittingly, I assume, in support of the head of the bureau whom he denounced yesterday.

Some one has taken the RECORD that I had upon my desk, and which I had marked. I desired to quote certain extracts from the statement of the Secretary of the Treasury, in which he insisted that there would be no economy in this proposition, in which he said there would be a great inconvenience to the public, and in which he urged the retention of the Subtreasuries in spite of the fact that he was at the head of the Federal reserve. I am compelled to make this quotation from memory, but I have not overstated it.

Mr. SISSON. Mr. Chairman, this proposition has been before us heretofore and has passed the House of Representatives. In the first place, as has been stated to the committee, when the Federal reserve bank bill was pending in this House, one of the reasons urged for the establishment of the Federal Reserve Banking System was that as soon as the system was established the Subtreasuries could be abolished, and that the money which is now tied up in the Subtreasuries could be put in the respective Federal reserve banks and there become a part of the United States deposits. When the matter was first presented to the former Secretary of the Treasury he stated that he did not have time to investigate it. And then, after he made some investigation, the Secretary of the Treasury stated that he did not want the Subtreasuries at that time abolished. We then asked the Efficiency Bureau in the next bill to investigate the matter and ascertain what real purpose, what real benefit, what real service the Subtreasuries were performing, and the report to us was that they were performing no function that could not be performed by the Federal reserve banks, and that the Federal reserve banks could perform it with but little expense to the Government.

Mr. LINTHICUM. Will the gentleman yield?

Mr. SISSON. I have but five minutes.

The fact is it would be handled by the Federal reserve banks as they would handle any other deposits, and the Federal reserve banks would always be glad to get the deposits, as other banks are glad to get deposits. For whatever may be said to you, gentlemen, about its not saving money is said without knowledge of the facts. It costs \$463,000 to maintain these Subtreasuries. These Subtreasuries, as a rule, are located in cities where we already have a Federal reserve bank, and it seems to me a very bad and a very poor policy to keep locked up in the Subtreasury the money which could be available for use in the country if you placed it in a Federal reserve bank. Now, that is a stronger reason for abolishing the Subtreasury, than even the expense. And yet you do not only save the \$463,000 by abolishing the Subtreasuries. In getting money from the Subtreasuries for the Federal reserve banks it requires additional bookkeeping; that is, bookkeeping in addition to that of the Subtreasury in the Treasurer's office here in Washington. All of those employees could be dispensed with, and if you add that to the \$463,000 it will make a net saving of

something more than \$500,000 a year to the Treasury by abolishing the Subtreasuries. And no man has been able yet to mention any service the Subtreasury has been able to render that could not be rendered by the Federal reserve bank. When the present Secretary of the Treasury was chairman of the Committee on Banking and Currency, in presenting the bill, he urged that one reason for it was that it could serve a public purpose, in addition to the other services, in being able to deposit the money that was now in the Subtreasuries.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SISSON. I ask unanimous consent to proceed—

The CHAIRMAN. The time has been fixed.

Mr. BYRNS of Tennessee. I am perfectly willing to give the gentleman one minute of my time.

Mr. SISSON. The House has heretofore taken the position that it now takes, but when the matter was first presented by the committee the committee did not have all of the report and all of the facts as they now have them. And the committee again recommended to the House the abolishment of the Subtreasuries for two reasons: First, the saving of the \$500,000, and, second, that it makes available without any additional expense or without any additional transfer the funds available as a deposit in the Federal reserve banks that are now locked up in the Subtreasuries throughout the United States.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COADY. Mr. Chairman, the gentlemen on the Committee on Appropriations could not possibly have selected a more inopportune time to bring in this provision abolishing the Subtreasuries of the United States. Since the signing of the armistice and the cessation of hostilities there has been a great curtailment in the munition factories and in the other factories engaged in war work, and as a consequence of it there are thousands of men walking the streets of our big cities out of work. In addition to that, Mr. Chairman, every day men in the Army and Navy are being demobilized, and although some of them are absorbed in the industries of the country, numbers of them are walking the streets of our cities and are idle in the country districts.

Why, then, Mr. Chairman, add to this great growing army of unemployed at this time by throwing out of employment 500 or 600 men now working in the Subtreasuries of this country—men who have grown gray in the service, men who have given the best years of their lives to the Federal service?

Now, I hear these gentlemen say that the Federal reserve banks have taken the place, or, rather, have taken over the functions, or should, rather, take over the functions of the Subtreasuries. They can not do it, Mr. Chairman. They have not the men to do it. They have not the equipment to do it. They have not the quarters in which to do it. In my own city of Baltimore, adjoining my own office, is located a branch of the Federal reserve bank. I frequently pass there in the evening, late in the evening, and I find the large force of clerks employed there working late in the night. They have not the time to take over the functions of these Subtreasuries.

Now, Mr. Chairman, some time ago I communicated with Mr. Leffingwell, one of the Assistant Secretaries of the Treasury, and he said to me it would be a calamity at this time to abolish these Subtreasuries. That has been the policy of the Treasury Department ever since I have been a Member of this House, and I know that that policy has not been changed.

Now, Mr. Chairman, this bill appropriates about half a million dollars—

The CHAIRMAN. The gentleman has occupied three minutes. His colleague expected to yield one minute of his time.

Mr. DUPRÉ. Mr. Chairman, I yield the two minutes allotted to me to the gentleman.

Mr. COADY. I thank the gentleman very much.

Now, Mr. Chairman, this bill contains a provision appropriating half a million dollars or more for the Department of Labor. That is as it should be. That money will be wisely and judiciously expended. A little later on we will have here for our consideration the Agricultural appropriation bill, which will carry millions of dollars for the benefit of the farmers of this country. That money, too, will be wisely and judiciously spent, and those appropriations should be made, and that bill will pass this House, very likely, without a dissenting vote.

Now, Mr. Chairman, the business and financial interests of the big cities, the men who have put millions of dollars into war work and charitable work, ask this body to continue the Subtreasury in the city of Baltimore and to appropriate for its continuance the sum of \$31,500, not for their personal benefit, but to enable them to serve their customers, who furnish the money that makes the wheels of industry revolve and which gives employment to thousands of mechanics and laborers.

The work of the Baltimore Subtreasury has increased greatly in the past three years. In 1916 the receipts and disbursements there were over \$227,000,000; in 1917 they were \$314,308,732; and in 1918 they were \$694,953,610.50. This vast volume of business was done at the small cost of \$31,500, or less than one two-hundredths of 1 per cent.

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. COADY. I ask unanimous consent, Mr. Chairman, to extend and revise my remarks.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent to revise and extend his remarks. Is there objection?

There was no objection.

Mr. DUPRÉ. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DUPRÉ. In that connection, did that include the two minutes I yielded to the gentleman, and the minute which his colleague yielded?

The CHAIRMAN. He had used a minute over, and the gentleman from Louisiana yielded two minutes.

Mr. DUPRÉ. I think the Chair is a very rapid calculator. [Laughter.]

Mr. GOOD. Mr. Chairman, this matter involves half a million dollars, and there are only about a dozen Members present in the House. I make the point of no quorum.

The CHAIRMAN. The gentleman from Iowa makes the point of no quorum. The Chair will count. [After counting.] Fifty Members are present—no: a quorum.

Mr. DUPRÉ. Mr. Chairman, I ask for tellers.

The CHAIRMAN. Tellers are not in order. Under the rules it is the duty of the Chair to call the roll.

Mr. DUPRÉ. I move that the committee do now rise.

The CHAIRMAN. The gentleman from Louisiana moves that the committee do now rise. The question is on agreeing to that motion.

The question was taken, and the Chairman announced that the "noes" appeared to have it.

Mr. FOSTER. I demand tellers, Mr. Chairman.

The CHAIRMAN. The gentleman from Illinois demands tellers. Those in favor of taking this vote by tellers will rise and stand until they are counted. [After counting.] Evidently a sufficient number have risen.

Tellers were ordered; and the Chair appointed Mr. BYRNS of Tennessee and Mr. DUPRÉ to act as tellers.

The CHAIRMAN. The question is on the motion of the gentleman from Louisiana that the committee rise.

The committee again divided; and the tellers reported—ayes 2, noes 60.

The CHAIRMAN. The committee declines to rise. A quorum is not present, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Ashbrook	Fairchild, G. W.	Kelly, Pa.	Reavis
Austin	Farr	Kennedy, R. I.	Riordan
Bacharach	Ferris	Key, Ohio	Robbins
Bankhead	Fess	Kieess, Pa.	Roberts
Blackmon	Flynn	Kincheloe	Rodenberg
Booher	Francis	Kinkaid	Rose
Borland	Fuller, Mass.	Knutson	Rouse
Bowers	Gallivan	Kreider	Rowland
Brand	Garland	LaGuardia	Russell
Britten	Glynn	Larsen	Sabath
Browne	Godwin, N. C.	Lee, Ga.	Sanders, Ind.
Browning	Goodall	Lehlbach	Sanders, N. Y.
Brumbaugh	Gordon	Lever	Sanford
Burroughs	Graham, Pa.	Little	Saunders, Va.
Butler	Gray, N. J.	Littlepage	Scully
Caldwell	Green, Iowa	London	Sears
Campbell, Kans.	Gregg	Lundeen	Shackelford
Candler, Miss.	Griest	Lunn	Shierley
Cannon	Griffin	McClintic	Sherwood
Carew	Hamill	McCormick	Siegel
Carter, Mass.	Hamilton, Mich.	McCulloch	Sinnot
Chandler, N. Y.	Hamilton, N. Y.	McLaughlin, Pa.	Slomp
Classon	Hamlin	Maher	Smith, Idaho
Cleary	Harrison, Miss.	Mondell	Smith, C. B.
Copley	Haskell	Morin	Smith, T. F.
Costello	Heflin	Mott	Snell
Cox	Heintz	Mudd	Snyder
Curry, Cal.	Helm	Neely	Stedman
Davey	Helvering	Nicholls, S. C.	Stephens, Nebr.
Davis	Hood	Norton	Sterling
Delaney	Huddleston	Oliver, Ala.	Strong
Dempsiey	Husted	Oliver, N. Y.	Sullivan
Donovan	Hutchinson	Park	Summers
Doolling	Jacoway	Parker, N. Y.	Swift
Drane	James	Peters	Taylor, Ark.
Drukker	Johnson, Ky.	Powers	Taylor, Colo.
Dunn	Johnson, S. Dak.	Pratt	Templeton
Eagan	Kahn	Price	Thomas
Elliott	Kearns	Ramsey	Tinkham
Estopinal	Kelley, Mich.	Randall	Vare

Vestal
Waldow
Ward

Wason
Webb
Wheeler

White, Ohio.
Winslow
Woods, Iowa

Zihlman

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. ALEXANDER, Chairman of the Committee of the Whole House on the state of the Union, reported that the committee having under consideration the legislative, executive, and judicial appropriation bill, H. R. 14078, found itself without a quorum, whereupon he caused the roll to be called, when 260 Members, a quorum, answered to their names, and he reported the names of the absentees to be printed in the Journal and Record.

The SPEAKER. A quorum is present. The committee will resume its session.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the legislative, executive, and judicial appropriation bill H. R. 14078, with Mr. ALEXANDER in the chair.

Mr. STAFFORD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. STAFFORD. How does the time now stand between the two sides?

The CHAIRMAN. There are 13 minutes remaining to the gentleman, and 9 minutes remaining to the other side.

Mr. BENSON. Mr. Chairman and gentlemen of the committee, I have not taken part in these debates that have been going on here for several years. I have understood that the argument was largely in favor of doing away with the Subtreasuries; but with due respect to the arguments that have been made here to-day, I do not think sufficient reason has been shown for doing away with the Subtreasuries of the United States at this time.

In the first place, the Secretary of the Treasury, in his last report, stated that he did not advise it. Secondly, the conditions brought about by the war have shown that the work of these Subtreasuries has increased tremendously.

Take, for instance, the Subtreasury in Baltimore. The daily reports show that whereas that Subtreasury had done a business of a million dollars a day the business of that Subtreasury has reached \$10,000,000 in one day, and for the last six months it has averaged \$5,000,000 a day. I submit seriously that an institution costing the United States Government \$32,000 annually and handling a business of \$5,000,000 a day would not be handling that money if it was not performing a useful function to the business of the United States, and particularly of that locality, and I understand the same condition exists with reference to the other Subtreasuries.

Gentlemen, I appreciate the argument that the Federal reserve banks might take over this work, but I respectfully submit that while it might have been understood and intended that the Federal reserve banks should do this work when the Federal reserve banks were organized, conditions at the present time, when the work of the Federal reserve banks has tremendously increased and when the work of these Subtreasuries has tremendously increased, make it at least doubtful whether we should do away with these Subtreasuries, unless we have some good reason stated by some one who can speak authoritatively, who can say that we will not be upsetting business and banking conditions by transferring all that business to the Federal reserve banks. While consolidation is frequently a good thing, I am inclined to believe you will find that you can carry it to a point where it ceases to be economy, and I believe in this case you will find that if you do away with the Subtreasuries of the United States you will increase expenditures in other departments and at the same time deprive the people of the local communities of the benefits of this privilege to which they have been accustomed for so many years.

Mr. EMERSON. Will the gentleman yield?

Mr. BENSON. I yield to the gentleman.

Mr. EMERSON. Just what functions do these Subtreasuries perform?

Mr. BENSON. The functions of the Subtreasuries are to take over the customs receipts, the money belonging to the United States Government. In addition, they exchange worn-out currency for good currency and they deliver to banks and individuals pay-roll money in large quantities. They carry part of the money that would otherwise have to be shipped to Washington, to be held in the Treasury of the United States in one locality. Instead of that, by the existence of these Subtreasuries it is scattered over the United States in these nine different cities. I do not pretend to be completely posted on the matter, but I do know that the people of our community use this institution and use it to an increasing extent; and the fact that it is used to an increasing extent shows that there is no other agency

now available that suits the people quite so well as this suits them. If there were, this would not be used.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAFFORD. Mr. Chairman, I ask for recognition, and if I may do so I will yield two minutes of that time to the gentleman from New York [Mr. PLATT].

The CHAIRMAN. The Chair allotted five minutes to the gentleman from Wisconsin.

Mr. STAFFORD. I yield two minutes of that time to the gentleman from New York [Mr. PLATT].

Mr. PLATT. Mr. Chairman, when the Federal reserve act was passed in 1913 and the Federal reserve banks were organized in 1914 it was expected that they would do the business now done by the Subtreasuries. There is clearly no good reason why they should not, and, in fact, we had last year a very able report from the Bureau of Efficiency showing that the Subtreasuries have long outlived their real usefulness, that most of their original functions have been taken over already by the national banks and by the Federal reserve banks. Long ago they ceased to be the exclusive depositories of the funds of the United States Government. We have been all of this time abolishing the Subtreasuries, chiefly because of the difficulty of abolishing a position or job once created. I spent last Monday three hours going through the Federal reserve bank in New York City. It is an enormous institution, located in the Equitable Building, spread up and down through the 36 floors of that great building. Its different departments are not on continuous floors, but wherever they could get space. An excellent location has been purchased on which, in time, the Federal reserve bank will have its own building. The Subtreasury of New York is in a fine old building where Washington took the oath of office as the first President of the United States. Perhaps it ought to be preserved as a monument of old days, but it is not serving any useful purpose to-day. That is to say, it is doing nothing that can not be done at much less expense by the Federal reserve bank. I made some definite inquiries on this subject and was entirely satisfied. Of course, in these days of liberty bonds and thrift stamps they are making such use of the Subtreasury as they can, and it is handling more business than usual, but its function as a part of the machinery of the Government is no longer necessary. In large measure it is simply a place of storage. Furthermore, to some extent the Subtreasuries are a detriment to the business of the country, because they are not banks. They take in coin and bullion and lock it up in their vaults, and nobody can borrow it. If that cash were in the Federal reserve banks it would become a basis of credit. The Subtreasuries are actually hampering business. They are out of date—long since out of date—and they ought to be abolished. Even without the Federal reserve banks we could get along without them; but with the Federal reserve banks, which were organized to take over their duties in part, there is no reason why we should keep them going. Anyone who will take the time to go through the Federal reserve banks and see what they are doing will be convinced of this in a very short time.

Mr. GARD. Mr. Chairman, it seems to me that the question of abolishing these Subtreasuries should be determined not by the possibly ill-considered report of an efficiency expert but by the men who have actual knowledge of conditions. Therefore, for the information of this committee, I read that which, to my mind, should be the controlling evidence regarding the use of these Subtreasuries. Secretary McAdoo, Secretary of the Treasury, the man who had these things in charge, said:

It has been suggested that the Subtreasuries are merely conveniences and not necessities, and that their duties might well be performed entirely by the Treasury at Washington. This is in a sense true, but the cost of handling all the business from a common center in a country so extensive as the United States might be greater than the expense of the Subtreasury system, whereas the delay and inconvenience which the public would have to suffer might prove a very serious handicap upon business.

That is the statement of the man who had these Subtreasuries in charge and who had in charge the management of the general financial interests of the country. It has been said that at the time of the passage of the Federal reserve act there was in contemplation the abolition of the Subtreasuries and caring for their duties under the Federal reserve act. Clearly there was no action by the Secretary of the Treasury at that time—nor since—confirming that idea. In fact, the Treasury Department says this, and I take this from the testimony of Mr. Leffingwell:

I have had a great deal to do with the Federal reserve banks, because they have been so active in conducting the fiscal agency operations of the Government in connection with the liberty loans, and I am sure they would expect to be reimbursed for this additional expense [subtreasury work]. Nor can I see any reason why they should not be.

The CHAIRMAN. The time of the gentleman has expired.
Mr. GARD. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by incorporating therein the statement of the Subtreasury at Cincinnati, Ohio.

The CHAIRMAN. Is there objection?

There was no objection.

The statement is as follows:

Statement for fiscal year ending June 30, 1918.

Balance on hand June 30, 1917	\$35,930,027.43
Receipts on account of—	
New currency from Washington	\$20,008,000.00
New Federal reserve notes	7,680,000.00
Transfer of funds	34,117,447.68
Coin shipments	4,828,195.31
Surplus postal funds	8,000,087.23
Transfer of money-order funds	819,000.00
Five per cent redemption fund	9,790,591.64
Postal-savings fund	856,316.62
Miscellaneous receipts	820,973.46
Disbursing officers' accounts	4,544,826.71
New coin from mints	2,397,160.00
Gold certificates, series 1900, issued	120,000.00
Railway Mail Service	1,131,820.47
Federal Reserve Board gold settlement fund	34,985,150.00
War-savings stamps	19,878,195.36
Redemptions—	
Currency	15,445,096.00
Gold coin	5,185,715.00
Silver and minor coin	4,794,856.81
Exchanges	9,488,810.75

Total receipts 184,891,734.04

220,821,770.47

Disbursements on account of—	
Clearing-house balances transferred to Federal Reserve Bank of Cleveland	10,854,425.15
Treasury checks and warrants paid	42,554,611.65
Disbursing officers' checks paid	4,749,045.65
Interest checks and coupons paid	1,132,788.73
War-risk insurance checks paid	973,834.59
Postal-savings transfer draft	6,163.00
Telegraphic transfers to banks	9,711,000.00
Gold certificates, series 1900, redeemed	860,000.00
War-savings stamps redeemed	201,277.16
Miscellaneous	55.00
Uncurrent coins and lightweight gold returned to mints	2,349,461.95
Coin shipments to various banks	4,898,935.31
Unfit national bank notes shipped to Washington	19,588,200.00
Unfit United States currency shipped to Washington	40,129,000.00
Redemptions	28,221,357.81
Exchanges	9,488,810.75

Total disbursements 175,718,966.75

Gold certificates, series 1900, transferred to treasurer's general account	45,102,803.72
	10,000.00

Balance on hand June 30, 1918 45,112,803.72

Total receipts	184,891,743.04
Total disbursements	175,718,966.75
Total business, 1917-18	360,610,709.79
Total business, 1916-17	247,876,236.85
Gain, 1917-18	112,734,472.94

Federal reserve notes received from comptroller to be held in trust for Federal Reserve Bank of Cleveland	29,400,000.00
Released to Federal Reserve Bank of Cleveland	17,880,000.00

Balance in custody	11,520,000.00
Combined total of debit and credit clearings	83,499,389.10
Total counterfeits detected	589.30

Statement for December, 1918.

Balance Nov. 30, 1918	\$46,261,666.55
Receipts on account of—	
New currency from Washington	\$1,388,000.00
Transfer of funds	12,941,134.58
Coin shipments	346,310.00
Surplus postal funds	827,600.00
Transfer of money-order funds	107,000.00
5 per cent redemption fund	388,450.00
Miscellaneous receipts	191,985.26
Disbursing officers' receipts	553,578.45
New coin from mints	335,500.00
Gold-settlement fund	762,780.00
War-savings stamps	4,147,000.00
Railway Mail Service	239,900.00
Redemptions:	
Currency	984,051.00
Gold coin	503,277.50
Silver and minor coin	331,325.00
Exchanges	601,683.00

Total receipts 24,649,574.79

70,911,241.34

Disbursements on account of—	
Clearing-house balances transferred to Federal Reserve Bank of Cleveland	\$6,842,076.62
Treasury checks and warrants paid	5,965,595.80
Interest checks and coupons paid	528,795.53
War-risk insurance checks paid	172,363.80
Disbursing officers' checks	538,323.77
Telegraphic transfers to banks	67,000.00
Unfit national bank notes shipped to Washington	1,226,000.00
Unfit Federal reserve notes shipped to Washington	2,348,000.00
Unfit currency shipped to Washington	1,501,000.00
War-savings certificates redeemed	708,633.48
Gold certificates, series 1900, redeemed	60,000.00
Coin shipped to banks	351,748.00
Redemptions	1,720,378.50
Exchanges	601,683.00

Total disbursements \$22,631,598.50

Balance Dec. 31, 1918 48,279,642.84

Total receipts	24,649,574.79
Total disbursements	22,631,598.50

Total volume business December, 1918	47,281,173.29
Total volume business December, 1917	29,887,236.87

Gain December, 1918	17,393,936.42
Combined total of debit and credit clearings	18,962,479.14

Counterfeits detected:	
United States note	5.00
Gold \$2.50	2.50
Silver dollars	12.00
Halves	1.00
Quarters	.75
Nickel	.05

Gain over preceding year.

Business fiscal year—	
1915, \$175,524,563.28	\$13,168,072.14
1916, \$182,447,999.61	6,923,436.33
1917, \$247,876,236.85	65,428,237.24
1918, \$360,610,709.79	112,734,472.94

Total business December, 1918	47,281,173.29
Total business December 1917	29,887,236.87

Gain December, 1918 17,393,936.42

Mr. STAFFORD. Mr. Chairman, the advocates of this ancient and obsolete system are driven as an excuse for its existence to point out that they were of use in the sale of liberty bonds, while every person knows that the whole burden of that campaign was thrown upon the Federal reserve banks, and there is not a particle of evidence that these Subtreasuries perform any useful function, except to the banks in the locality and vicinity where they are located.

Mr. GARD. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. No.

Mr. GARD. I just want to say that I just read that.

Mr. STAFFORD. They performed no useful purpose in the sale of these liberty bonds. Every other activity of the Subtreasuries referred to—the deposit of Government funds and the payment of checks and drafts and warrants, and they are about the only fiscal functions they are performing—is performed either by national banks or can be performed by the Federal reserve banks. Since we have established the Federal reserve system there is no warrant whatsoever for the continuance of certain of these Subtreasuries, except as is admitted by the advocates of them, that they are a convenience to the local banks. There is no question but they are a convenience to the banks where they are established for one purpose alone. It enables them to redeem their old bank notes, whereas banks situated at a distance from these Subtreasuries are obliged to pay the expressage. Here we have an institution that has grown hoary with age, and the only general purpose it serves is as a depository for some funds of the Government. The Federal reserve banks and the mints, the testimony before the committee shows, could take charge of these deposits.

Not only is there a saving of several hundred thousand dollars purposed by this amendment, but if we abolish them we rid ourselves of the demand from these centers where they are established coming to Congress for the establishment of new buildings.

It is admitted that in some of these cities the Subtreasuries are housed in buildings very old, and that they need new quarters. So that this means ultimately the saving of millions and millions of dollars. No argument has been advanced why the Subtreasury at Baltimore, 40 miles distant from Washington, should be continued, except that it is a convenience to the bankers of that locality. No argument is advanced why the Subtreasury at Philadelphia should be continued, except that it saves the banks of that city the expense of having their worn-out currency redeemed by saving the express charges. No one

can justify the continuance of the Subtreasury at Cincinnati. The objection of this whole system is that you are playing favorites for the benefit of the banks of certain localities. If you are going to continue them they should be established in larger centers, like Detroit, Cleveland, Pittsburgh, Minneapolis, but we not only have Federal reserve banks in the 12 regional cities, but we have established Federal reserve branch banks in the cities that I have named. There is no urgent need whatsoever why these Subtreasuries should be continued. It is a waste of public funds.

The CHAIRMAN. The gentleman from Massachusetts is recognized for two minutes.

Mr. TAGUE. Mr. Chairman, I realize that in two minutes it will be impossible to answer any of the statements made by those who are advocating the abolition of the Subtreasuries, and I hesitate, Mr. Chairman, to get into this debate other than to enter my protest on behalf of the business interests of my community against the abolishment of these Subtreasuries. I have listened to what the last speaker has said and I venture to predict, Mr. Chairman, that the Members of this House are willing to take the say-so of the men who control the Treasury of this country in preference to the gentleman from Wisconsin. There has been no word from the Secretary of the Treasury advocating the abolishment of the Subtreasuries of the country. There has been no demand from the Federal reserve banks of the country that they should take over this function of the financial business of the country. There has been no demand for the abolishment of these Subtreasuries except from one or two sources, and one especially that has been so severely criticized upon the floor of this House during the past two days. I am willing, Mr. Chairman, with my limited knowledge of the functions that they perform to take my word from those who know the existing conditions, namely, the Secretary of the Treasury and his representatives and the business men of the communities who are to-day protesting from every city in the country where these Subtreasuries are now established.

Mr. PLATT. Will the gentleman yield?

Mr. TAGUE. I do.

Mr. PLATT. Is not Boston so large a town that nobody cares whether the Subtreasury is kept there or abolished? I do not hear anybody in New York say anything about keeping the Subtreasury there.

Mr. TAGUE. I have yet to hear one voice—

Mr. PLATT. It is only small towns like Boston and Baltimore that are saying anything.

Mr. TAGUE. Well, if Boston were to spread out and take in all of the cities and towns within 25 miles of its center in the way the city of New York has, it would also show a population up in the millions.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GOOD. Mr. Chairman, the functions of the Subtreasuries are three in number: First, to receive deposits; second, to pay Government checks; and, third, to sell Government bonds. Those are the functions of the Subtreasuries of the United States. There are nine of them, only two west of the Mississippi River. When Mr. Glass, the present Secretary of the Treasury, was a Member of this House and brought in a bill that was finally enacted into law creating the great Federal Reserve System he said that the Federal Reserve System would perform all of the functions of the Subtreasuries, and that, if adopted, the Subtreasuries could all be abolished, and Mr. Glass is now the Secretary of the Treasury. Why do not you quote him instead of quoting Mr. McAdoo, who has ceased to have anything to do with that office? When these matters were before the House in former years Mr. Glass voted to abolish the Subtreasuries. I am surprised at my friend from Baltimore—

Mr. DUPRÉ. Will the gentleman yield for a question?

Mr. GOOD. No; I will not have the time.

Mr. DUPRÉ. I wish the gentleman would.

Mr. GOOD. I am surprised at the gentleman from Baltimore, representing a city only 40 miles distant, demanding the retention of their Subtreasury.

Mr. LINTHICUM. I want to know how the gentleman knows where it is?

Mr. GOOD. When the gentleman from Maryland [Mr. LINTHICUM] came before the Committee on Appropriations a year ago he was asked this question:

Mr. GOOD. If Baltimore had a Federal reserve bank, would the gentleman then think they should still have a Subtreasury?

Mr. LINTHICUM. I want to say this: That if Baltimore has a Federal reserve bank, and you are going to do away with the Subtreasuries and give the power which the Subtreasury now has to the Federal reserve banks, and do it in all the cities that have Federal reserve banks, I do not know that we would object.

And that is just what this bill does. Baltimore has a branch Federal reserve bank to-day, a big institution, performing all the functions of a Subtreasury, and now here the Representatives from Baltimore object. They object to what a year ago they said would be satisfactory. Why? They object on the same ground that they objected before the Committee on Appropriations two years ago, that the banks of Baltimore would have to pay the freight or the express on their subsidiary coin used by the business men of Baltimore in case the Subtreasury there was abolished. I make the suggestion to this House that if Baltimore is to have its coin sent free, then every city in the United States is entitled to the same privilege, and I want to commend to the House the statement made by the gentleman from Illinois, the minority leader, when Chicago was under fire two years ago and we attempted then to eliminate the Subtreasury at Chicago. This is what Mr. MANN said:

We ought to find nerve enough to abolish some of the useless offices now maintained by the Government, especially when we have created other offices to do the work which they now do.

If the Subtreasuries are to be retained, I hope this side of the House will not vote to retain them. Let that side of the House that went before the people on the proposition to do away with useless offices, the salaries of which they said drain the substance of the people—let that side of the House retain these useless offices. It has been admitted by the present Secretary of the Treasury that the Subtreasuries are useless. It has been admitted by every man who has studied the question that they are useless; and just as a few years ago we abolished a great many pension offices throughout the country and consolidated them at Washington—and since that time there has been no complaint, so far as the pensioner is concerned, in receiving his pension check in due time—which resulted in saving the Treasury a great deal of money, so now we will do the same thing here. Nobody deposits money in a Subtreasury to-day; nobody goes to the Subtreasury to-day to cash a check; no one purchased liberty bonds there. All of that is done by the national banks and the Federal reserve banks.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BYRNS of Tennessee. Mr. Chairman, how does the time stand?

The CHAIRMAN. The gentleman has four minutes, and all the time has expired on the other side.

Mr. BYRNS of Tennessee. Mr. Chairman and gentlemen of the committee, I do not care to take up the time of the committee in discussing the amendment now offered. It has been so thoroughly and fully discussed before this Congress at the last session that I am quite sure Members are prepared to vote upon the proposition.

Mr. DUPRÉ. Will the gentleman yield for a question?

Mr. BYRNS of Tennessee. Yes.

Mr. DUPRÉ. Was not there a difference between the proposition which was tendered to the last Congress and that tendered here in regard to the date of abolition?

Mr. BYRNS of Tennessee. I will answer the gentleman. When the Federal Reserve System was established every possible excuse for the existence of the Subtreasuries was taken away. There is not any question about that, gentlemen, and no man can read the hearings and reports that have been made and not satisfy himself as to the truth of that statement. Last year the committee recommended that these Subtreasuries be abolished, and, as the gentlemen from Louisiana [Mr. DUPRÉ] suggests, proposed to abolish them within a period of six months after the war had come to a close. But I submit, gentlemen, that that proposition was presented to the House simply to meet the objection of Assistant Secretary Leffingwell; and if you will read his testimony in the hearings at the last session of Congress you will find that the only real insistence that he made and the only real argument that he presented for the maintenance and continuance of these Subtreasuries was that they might be needed during the continuance of the war. The war is now over, to all intents and purposes.

Now, what is the reason for the existence of these Subtreasuries? You have heard these gentlemen from the cities where they are located, all diligent, capable, and able men; and, gentlemen, after all, the only real reason they have been able to present for the continuance of these Subtreasuries is that they will render some local convenience to the cities in which they are located.

That may be a good reason for those gentlemen who so ably represent these nine cities, but you who come from other sections of the country certainly are not under the same sort of obligation to vote out of the Treasury \$500,000 simply to afford a convenience to these particular nine cities. That is the proposition, the plain proposition, that is presented to this committee.

Gentlemen, I submit there can be no good reason presented as to why these Subtreasuries should be continued any longer.

Mr. DUPRÉ. Why did the House yield, then, on the proposition?

Mr. BYRNS of Tennessee. The House yielded only after a continued and repeated session with the Senate, and only at the last moment, when it became evident that the entire legislative bill might fail unless the House did yield. There was another proposition which forced the conferees to yield. That was the fact that this House by a record vote had insisted and instructed the conferees to stand by the Borland amendment, and in order to carry out the will of the House as expressed by that record vote it was necessary for us to yield on this proposition.

Mr. DUPRÉ. Was there logrolling then?

Mr. BYRNS of Tennessee. No conference was ever held that there was not a spirit of give and take. Otherwise the two Houses never could get together on disputed propositions.

The CHAIRMAN. The time of the gentleman has expired. All debate on this amendment is now closed. The question is on the amendment offered by the gentleman from California [Mr. RAKER].

The question was taken; and the Chair announced that the yeas seemed to have it.

Mr. LINTHICUM and Mr. DYER demanded a division.

The committee divided; and there were—yeas 36, yeas 91.

So the amendment was rejected.

The Clerk read as follows:

For such expenses as the Secretary of the Treasury may authorize in connection with the discontinuance of the offices of assistant treasurers, including clerks and counters in the office of the Treasurer in the District of Columbia at rates of compensation not exceeding \$1,800 per annum, salaries of custodians and other employees (at rates of compensation not exceeding \$2,500 per annum) at such of the Subtreasury offices as the Secretary of the Treasury may deem necessary for the safekeeping of currency, coin, bullion, bonds, and other securities of the United States, \$75,000: *Provided*, That the Secretary of the Treasury shall require the custodians or other responsible employees to give bond in such amount and with such surety as he shall deem adequate for the protection of the United States: *Provided further*, That no person employed under a statutory position on June 30, 1919, shall be paid a salary hereunder greater than the amount of such statutory compensation on the said date.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the paragraph.

The CHAIRMAN. The gentleman from Pennsylvania moves to strike out the paragraph.

Mr. MOORE of Pennsylvania. I make this motion for the purpose of vindicating the rights of the Committee of the Whole. If the point of order made by the gentleman from Wisconsin [Mr. STAFFORD] had been sustained a while ago, the point of order to the amendment of the gentleman from California, there would have been no possible way, except to strike out, for this main body of the House to have protected itself against the repeal of the existing law. If the Chair held, as he did hold when the point of order was made against the new paragraph, that the point of order was well taken, and then the Chair should rule in answer to the point of order made by the gentleman from Wisconsin [Mr. STAFFORD] that the amendment which proposed to reinstate existing law was not in order, there would have been no place to go with a proposition affecting existing law. All that would be necessary under such circumstances to override existing law would be for any committee of the House to decide in the secrecy of its committee room that the Holman rule justified it and bring in a bill to put the change into effect. The gentleman from Wisconsin made the point that there was a place to go and that a Member could move to strike out. And since no one made the point of order against the motion I now ask for a vote on the motion to strike out, since it is the last recourse in the Committee of the Whole.

The CHAIRMAN. The question is on the motion made by the gentleman from Pennsylvania to strike out the paragraph.

The question was taken, and the motion was rejected.

The Clerk read as follows:

For incidental and contingent expenses, including new machinery and repairs, wastage in the melting and refining department and in the coining department, and loss on sale of sweeps arising from the treatment of bullion and the manufacture of coin, \$75,000.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. I would like to ask the gentleman from Tennessee whether there is any information before the committee as to the purpose of the Government to establish a mint in Mexico?

Mr. BYRNS of Tennessee. No; we have received no such information.

Mr. MOORE of Pennsylvania. No suggestion that any mint should be established in our neighboring country?

Mr. BYRNS of Tennessee. No.

Mr. MOORE of Pennsylvania. I asked the question because it seems to me pertinent in view of the interest that is being taken by the Bureau of Information as to Mexico. Members of Congress, I presume, are favored, as some other citizens are, with communications from the Bureau of Information which show an unusual interest in Mexico. Yesterday some reference was made to the quality of paper on which the CONGRESSIONAL RECORD is printed. I took occasion to say that the paper upon which the Record is printed and sent out to those recipients of it who are on the lists of Members of Congress was a disgrace to the body and that the excuse that the cost of paper was high was a poor excuse in view of the fact that the Bureau of Information was sending out literature of all sorts in great volume on glazed paper superior to that upon which the CONGRESSIONAL RECORD was printed.

Now, the Bureau of Information has a good deal of influence at the White House. We have been told that it did not intend to come to Congress for any more money. The supposition is that it depends upon that \$100,000,000 fund which Congress dedicated to the President some time ago for such use as he might see fit to make. But just why the Bureau of Information should publish a weekly news bulletin in Mexico has not yet been made clear. It may be another step toward creating a world democracy.

We have information that much literature, some of it commendatory of the administration, was dropped over the German lines during the war with a view to informing the democracy of Germany of American intentions. Now comes a "Weekly News Bulletin" from Mexico, under date of January 9, 1919, issued by George Creel, chairman, from the headquarters of the "Mexico section, Robert H. Murray, director; office, Filomeno Mata, 17 Apartado Postal 128 Ris," which indicates we have established a publication office down there.

Can anyone tell—can the chairman of the committee tell—why we are spending American money in this way, especially when there is such a fierce demand for economy, for the abolition of Subtreasuries, for the throwing of people out of employment in one section and concentrating them in another section? Can anyone tell why we are using a part of the President's \$100,000,000 fund for the purpose of conducting a publicity service in Mexico? What sort of a propaganda is this? To what lengths do we go with the money of the people?

I thought possibly the chairman might tell us that this was the forerunner of the establishment of a Subtreasury in Mexico, or of a mint in Mexico, or an assay office in Mexico, or of some oil company's headquarters in Mexico. What is behind it?

Mr. MADDEN. There might be war in Mexico. You can not tell. [Laughter.]

Mr. MOORE of Pennsylvania. If the purpose is to stop a war with Mexico, well and good. We spent a lot of energy and money in marching into Mexico and out again, and then the President came in and asked us to appropriate \$125,000,000 to pay the bill, and we appropriated it.

What kind of a proceeding is this new one? Why is it necessary for us to print a daily report of the proceedings of the legislative assembly in Mexico? Why is it necessary for us to print information respecting the operation of oil wells in Mexico? Why should the money of the people of the United States be spent printing a paper in Mexico when paper is so scarce in the United States that we have got to print the CONGRESSIONAL RECORD on stuff that falls to pieces when you pick it up?

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MOORE of Pennsylvania. I simply ask the question, Mr. Chairman. [Applause.]

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For incidental and contingent expenses, including rent of building, \$5,700.

Mr. MADDEN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois moves to strike out the last word.

Mr. MADDEN. I want to ask unanimous consent to proceed for 10 minutes out of order.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for 10 minutes out of order. Is there objection?

There was no objection.

Mr. MADDEN. Mr. Chairman, I think I owe to the House an explanation of the case that was called to the attention of the Committee on Appropriations by Mr. Brown, in which he said there was some doubt as to the morality of the location in which the woman resided, and I looked up the record on

file in my office in that case, and I find these to be the facts. The case referred to by Mr. Brown was that of Mrs. Amazonia Franklin, whose allotment matter I have been trying to get adjusted for months. After her husband went to the war she had to leave the place where they were living on account of the expense and the further fact that the Bureau of Insurance had not sent her any money. The allotment case was mixed up, on account of some technicality, and was referred to Chicago for special investigation. The investigators went to the address given in the papers relating to Mrs. Franklin's case, and they could not find her. They reported to the Bureau of War Risk Insurance that the house was a disorderly house. The fact of the matter is that it was a boarding house. This was merely a supposition on the part of the inspector who made the report. There was no proof that this house was disorderly, and absolutely nothing has ever been proved against Mrs. Franklin.

Mrs. Franklin later left this address, and, as far as I know, has ever since that time been the subject of charity on account of the negligence or failure of the Bureau of War Risk Insurance to adjust her claim, although I have a letter from them which I received several months ago, stating that Mrs. Franklin could look for a check from the Government within a week or 10 days, but up to this time she is still waiting, and has not had a dollar.

But aspersions have been cast upon her character by the Government investigators who ought, instead of doing that, to have furnished her with the funds necessary to keep her from starving and being the object of charity.

Now, Mr. Brown seemed to go a good distance out of his way to call this case to the attention of the Subcommittee on Appropriations in executive session, and incidentally to call attention to the fact that this was one of the cases for the settlement of which I was pleading, intending it to be inferred, I assume, that there was something wrong about the case. I happened to look Mr. Brown up since I spoke to the House yesterday, and I find that the Department of Justice has a good deal of information about Mr. Brown that would make very interesting reading. And in connection with that I may say that I may feel called upon to get the evidence which the Department of Justice has on file one of these days and present it to the House. But in the meantime, so as not to take up too much of the time of the House, I think I will give the House one of the first installments of the information I have and which is on file.

Mr. Brown is employing a woman by the name of Mrs. Johanna Schoenfeld, the wife of Dr. Schoenfeld, of the George Washington University, who is a pro-German from his toes to the top of his head. This woman is employed at a salary of \$1,200 a year as assistant cook to help in the kitchen of the War Trade Board. Now, Mr. Brown, of course, has jurisdiction over the efficiency of the War Trade Board. This is the way he helps to make it efficient. She is using a Government automobile that comes up to her house about 10 o'clock every morning and takes her to her work, and takes her back about 4 o'clock and waits around until 5 or a little after and takes her back. This is the way he helps to make it efficient. The people in the neighborhood where she lives—at Thirty-fourth and Ordway Street—all understand this situation. I am not telling anything in executive session. I am not telling anything that the people in her neighborhood do not understand. This woman, before she got her house back from the occupants who had it, was living at Mr. Brown's house. Brown had a daughter in Germany at the outbreak of the war studying, and he used all kinds of means to get her back, and a man who came over on the same ship that she came on expressed the opinion that he would like to throw her overboard on account of the various pro-German expressions which she uttered.

The Department of Justice has a record of the activities of Dr. and Mrs. Schoenfeld. Mrs. Schoenfeld has two sons in the Consular Service who were never called for military duty. This is the woman who is employed through the influence of Mr. Brown as an assistant cook in the War Trade Board, at a salary of \$1,200 a year, and the use of a Government automobile that comes after her to her house, takes her down to the War Trade Board, where she remains about an hour, and then takes her back, and then waits for her for another hour and takes her back again.

Mr. BARKLEY. Can the gentleman tell us whether the War Trade Board is running a boarding house?

Mr. MADDEN. They have some kind of a cafeteria, I believe, at which they supply food to those who are employed there.

There was a housewarming at the Schoenfeld house last night, and at 10 o'clock p. m. an official Government car was standing in front of the house, and a man in uniform is said to have been working in the kitchen. Mr. Brown, I understand, is the sponsor through whom Mrs. Schoenfeld is employed; and if the

statements that I have made are thought by Mr. Brown not to be true I want Mr. Brown to invite me to produce the evidence, which is on file in the Department of Justice, not only in connection with this case but in connection with other activities of Mr. Brown during the war.

Mr. Brown is the last man who ought to be kept on the Government pay roll. He not only has proved himself by his actions as a citizen during the war to be unworthy, but by his work as a so-called efficiency expert to be unworthy.

Mr. McKENZIE. Will my colleague yield?

Mr. MADDEN. Yes.

Mr. McKENZIE. I desire to ask my colleague a question, not pertaining to this particular case, but there has been so much said about it that I think there ought to be a statement put in the Record. I want to ask my colleague if he understands the law to be that a wife or mother must have a certain standing of moral character to be passed upon by any official in the United States Government before she is entitled to an allotment or allowance under this law passed for her benefit?

Mr. MADDEN. My understanding is that the only thing that is required of them is that there shall be a soldier in the service of the country; that the soldier shall have made an allotment of his pay, that the allotment shall be in proper form, that it shall be made to the wife, or to the mother, or to some other relative; that if it is made to the wife under the law it is obligatory upon the Government to pay the allotment, and also to accord the allowance, and that it is not the function of Mr. Brown or anyone else to discredit those who wear the uniform of their country, who defend the flag, that it is not the function of Mr. Brown or anyone else to disgrace or discredit the wife of a man wearing the uniform of his country; that it is no part of the business of Mr. Brown or anyone else connected with the Bureau of War Risk Insurance to discredit a mother who has given her boy to her country. If Mr. Brown had been one-half as patriotic as the man whose wife has been charged with living in a house the character of which he said was to say the least shady, there would be no such statement made by him. I maintain that everything Mr. Brown has done from the opening to the close of the war has been more pro-German than anything else, and that all his associates have been pro-German, and he above all men is the last who should come behind closed doors to a committee of this House and make any statement about the character of the wife of an American soldier.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. BYRNS of Tennessee. Mr. Chairman, the gentleman from Illinois has made a very serious and a very severe attack on Mr. Brown.

Mr. MADDEN. I will make some more of them.

Mr. BYRNS of Tennessee. I hold no brief for Mr. Brown, but I do feel that we ought to be very careful before we take occasion upon the floor of this House to attack any citizen of this country who has not the privilege of appearing here and making his own defense. The gentleman takes umbrage because the War Risk Bureau has seen fit to make inquiries concerning the moral character of persons to whom allowance checks are sent. There are more than 4,000,000 on the rolls. These investigations are necessary under the law, and for my part I would not be willing to have the United States Government pay any amount out of the Treasury to any immoral woman as a contribution toward her support.

Mr. MADDEN. The gentleman is assuming that the case is one in which immorality has been shown. I maintain that it has not.

Mr. BYRNS of Tennessee. Oh, the gentleman is commenting on the case to which he refers. I am speaking generally. I know nothing of that case. I never heard the woman's name until the gentleman from Illinois read it here a moment ago, and if any publicity has been given to an attack made upon the woman to whom he has referred then it comes from the gentleman from Illinois, because there is no record of it in the committee, and her name has never been mentioned upon the floor of this House until the gentleman from Illinois mentioned it.

I repeat, I do not know the name of the woman; I do not know whether the gentleman from Illinois is mistaken or not in his reference to that particular case, although I am sure he thinks he is certain about it. But, as I was about to say, the Pension Bureau has always made an investigation concerning the moral character of the people who receive pensions at the hands of the Pension Bureau. I say that it is a correct policy. The War Risk Bureau has done nothing more than its duty in making investigations in this regard.

Mr. FIELDS. But the allotment part of this fund is not a pension; it is a part of the soldier's pay.

Mr. BYRNS of Tennessee. Oh, I am not referring to the allotment. If the gentleman had listened to me, he would know that I said allowance. Of course, a soldier has a right to do what he pleases with his own money.

Mr. MADDEN. I just want to ask the gentleman if he thinks there can be any justification for keeping a woman in a starving condition for months by failure to deliver the money they have collected out of the pay of her husband, the soldier.

Mr. BYRNS of Tennessee. I do not think there ought to be any greater delay than is absolutely necessary, and I am willing to state there have been a great many delays in a great many cases we have not been able to understand; and I dare say that if we are fair, if we would look into it, we would find that in many cases there is a good reason for at least a part of the delay. As was said yesterday, here are 4,000,000 cases in the hands of this War Risk Bureau, cases that came up not gradually, as in the case of insurance companies, but business that was dumped upon the bureau all at once. It was a stupendous job, and it is not surprising that in some of these cases possibly there have been delays.

The gentleman from Illinois [Mr. MADDEN] refers to some employee in the War Trade Board, and he seeks to hold Mr. Brown responsible for that. Mr. Brown has no connection with the War Trade Board. He has absolutely no authority there, either to put anybody on the rolls or to take anyone off the rolls. The Bureau of Efficiency has never been called in to investigate the War Trade Board; and even if it had been that fact would have given Mr. Brown no authority to employ anyone there. I suspect that the gentleman from Illinois has mixed up the Mr. Brown to whom he refers with some other Brown, possibly down there in the War Trade Board.

Mr. DUPRÉ. Then I take it Brown is in town. He seems to be.

Mr. BYRNS of Tennessee. He seems to be, from what has been said on the floor of this House in the last few days.

The CHAIRMAN. The time of the gentlemen from Tennessee has expired.

Mr. BYRNS of Tennessee. Mr. Chairman, I ask unanimous consent to proceed for two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BYRNS of Tennessee. The gentleman refers to the fact that an automobile has been used to transport this employee, whose name I can not recall, to and from her home to the War Trade Board. Mr. Brown is not responsible for that. If that be true, and I am not questioning the fact that the gentleman from Illinois has received the information—though how true the information is I do not know—then some official ought to be held responsible for it. If the statement made as to the use of an automobile on yesterday evening is true, the fact ought to be shown and the official who is responsible for permitting the Government automobiles to be used for purposes of that kind ought to be exposed and such action taken as is proper in the case. But I submit, in all sincerity and in all kindness, to the gentleman from Illinois [Mr. MADDEN] that he ought not to permit his evident antipathy to Mr. Brown to impel him to make statements on the floor of the House which may and, I think, clearly do Mr. Brown a very grave injustice.

Mr. GOOD. As I recall, we have never given the Bureau of Efficiency an automobile, and that bureau has no automobile.

Mr. BYRNS of Tennessee. The gentleman is correct. The Bureau of Efficiency has no automobile, never has had one, and can not purchase one out of the appropriation carried in this bill. They have never asked for an automobile.

The Clerk read as follows:

Office of the Secretary: Secretary of War, \$12,000; Assistant Secretary, \$5,000; Second Assistant Secretary, \$4,500; assistant and chief clerk, who shall sign such official papers and documents as the Secretary may direct, \$4,000; private secretary to the Secretary, \$2,500; clerk to the Secretary, \$2,000; stenographer to the Secretary, \$2,000; clerk to the Assistant Secretary, \$2,400; assistant chief clerk, \$2,400; disbursing clerk, \$2,750; appointment clerk, \$2,250; 4 chiefs of divisions, at \$2,000 each; superintendent of buildings outside of State, War, and Navy Department Building, in addition to compensation as chief of division, \$500; chief telegrapher, \$1,800; clerks—6 of class 4, 7 of class 3, 15 of class 2, 20 of class 1, 5 at \$1,000 each, 2 at \$900 each; foreman, \$1,200; carpenters—1 \$1,200, 1 \$1,080; chief messenger, \$1,000; skilled laborer, \$1,080; 6 messengers; 9 assistant messengers; 2 telephone switchboard operators; 8 laborers; 2 chauffeurs, at \$840 each; in all, \$151,380.

Mr. TILSON. Mr. Chairman, I move to strike out the last word for the purpose of getting some information from the gentleman in charge of the bill. Prior to April 6, 1918, there was provision made by law for a Secretary of War and an Assistant Secretary of War. In an act approved April 6, 1918, a Second Assistant Secretary of War and a Third Assistant Secretary of War were authorized. Yesterday the Secretary of War appeared before the committee, of which I am a member, and

asked for the passage of a bill which contains, among other things, the following provision:

So much of an act of Congress approved April 6, 1918, as provides for the office of Second Assistant Secretary of War and Third Assistant Secretary of War is hereby repealed.

In the gentleman's bill to-day we find appropriations being made for the Secretary of War, an Assistant Secretary of War, and a Second Assistant Secretary of War. My query is, What is the basis that the gentleman used for his appropriation? If he used the old law, he should have included only a Secretary and an Assistant Secretary. If he used the present law, he should have put in a Secretary, an Assistant Secretary, a Second Assistant and a Third Assistant. If it is anticipated that the bill proposed by the Secretary of War on yesterday be passed, then he would not need to appropriate for the Second Assistant Secretary.

Mr. BYRNS of Tennessee. As the gentleman knows, the Committee on Appropriations in making these recommendations for appropriations tries to follow the law. The law provided for a Second and a Third Assistant Secretary of War, and the committee, following the law, was prepared to make that recommendation, but upon inquiry of the Secretary of War or of his office it was stated to the committee that they did not desire an appropriation for the Third Assistant Secretary of War, but that they did want an appropriation for the Second Assistant Secretary of War. That was the reason the committee dropped the Third Assistant.

Mr. TILSON. So the gentleman did not follow the law in the case?

Mr. BYRNS of Tennessee. No. We would have done so had we not been notified that they did not need a Third Assistant Secretary of War. Since they themselves said they did not need such an official, of course we did not recommend it. We did recommend a Second Assistant, because the law provides for him, and they told the committee they needed him. If they have stated to the gentleman's committee and have requested the passage of a bill abolishing the office of the Second Assistant Secretary, I shall offer no objection to an amendment which strikes that out of this bill.

Mr. TILSON. I hold in my hand a bill introduced on yesterday by Mr. DENT, by request—and by request in this case means by request of the War Department—the bill from which I read, which abolishes both the Second Assistant Secretary of War and Third Assistant Secretary of War.

Mr. BYRNS of Tennessee. Is that asked for at once or after a certain date, or is that based upon some reorganization of the Army?

Mr. TILSON. It is based upon the reorganization of the Army, but I am frank to say to the gentleman that there does not seem to be an immediate prospect of the bill becoming a law. Therefore I do not propose to strike out the provision that the gentleman has made in this bill, and I would be more inclined to move that he insert an appropriation for a Third Assistant Secretary of War, so as to comply with the law as it now stands.

Mr. BYRNS of Tennessee. This bill would have carried a provision for the Third Assistant Secretary of War, in accordance with the law, had not the committee been informed by the Secretary of War's office that they did not need such an official during the next fiscal year.

Mr. TILSON. Undoubtedly that statement is correct, and if they do not need such an official during the coming year, on the gentleman's statement, I think he would be justified in leaving it out.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

Mr. MASON. Mr. Chairman, I rise to move an amendment to the section under consideration by striking out the words "chief telegrapher," in line 21, page 67.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. MASON: Page 67, line 21, strike out the words "chief telegrapher, \$1,800."

Mr. MASON. Mr. Chairman, it would seem from the news we get from the peace conference that we will have but little use for telegraphers. It seems that the main points demanded by the President of the United States, accepted by our allies and approved by our enemies, whereby we were to have open treaties made in an open way, has been abandoned in some way; and it has occurred to me that, a majority of the House belonging to the same political party of the President, and, in fact, every Member of Congress, either in the House or the Senate, standing back of him on that proposition, it would be wise for those in power to present a resolution to let these people know that the American people and the American Congress are backing the President in demanding no secret negotiations as

to our treaties of peace. [Applause.] As a matter of fact, the very first and strongest point made by the President, and made wisely, was to demand that if this war was won, and we sacrificed the blood of our sons, not only that he would stand for a permanent peace—and he is doing it—but that he would fight that thing which has brought war ever since war was invented; that the secret negotiations of kings, queens, emperors, and politicians all over the world should cease. The President of the United States has demanded it, we have accepted it, and to-day the people, the 100,000,000 of American people, are shocked with the idea of secrecy. We believe and the people know that if that is left open, so that the people can hear from day to day and hour to hour what our allies are demanding and what we are demanding, that there will not be so much of selfishness, that they will not make propositions each to the other that shall give them the right to govern people without their consent.

Now, Mr. Chairman, I suggest this in good faith: That if some one upon the majority side will give us an opportunity to stand back of the President I believe it will strengthen his hand so he can say to them that he has stood for these open negotiations; that it is the first point necessary that his constituents, 100,000,000 of people, are back of him in this demand; that we are going to put aside partisanship; and that we are going to stand on the threshold of the greatest opportunity that has come to us in all of this generation. If they will propose a resolution saying that the American people, who went into this war willingly and made these sacrifices, want to know what is being demanded, they want to know that the blood of their sons has been spent, not to put the flag of one nation over another, not that one empire may boast of having changed colonies from one empire to another, with a new master and a new flag—I say, if they will give us the chance to vote for a resolution, I do not believe there is a man in either branch of this Congress but who will stand back of the President and vote for the passage of such a resolution.

Mr. Chairman, I withdraw the formal amendment.

The CHAIRMAN. Without objection, the amendment will be withdrawn.

There was no objection.

The Clerk read as follows:

Temporary employees: For the temporary employment of such additional force of clerks and other employees as in the judgment of the Secretary of War may be proper and necessary to the prompt, efficient, and accurate dispatch of official business in the War Department and its bureaus, to be allotted by the Secretary of War to such bureaus and offices as the exigencies of the existing situation may demand, \$4,000,000: *Provided*, That the Secretary of War shall submit to Congress on the first day of its next regular session a statement showing by bureaus or offices the number and designation of the persons employed hereunder and the annual rate of compensation paid to each: *Provided further*, That no person shall be employed hereunder at a rate of compensation in excess of \$5,000 per annum, not more than 5 persons shall be employed hereunder at a rate of compensation in excess of \$2,400 per annum each, and not more than 25 persons shall be employed at a rate of compensation in excess of \$1,800 per annum each: *Provided further*, That detailed estimates shall be submitted by the War Department in the annual Book of Estimates for the fiscal year 1921 for necessary services of the character provided for in this paragraph.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I would like to ask the chairman in charge of the bill, and I would like to be brief about it, what is the special occasion of the increase of \$6,000,000, an increase of 150 per cent in the allowance for temporary employees in the War Department. I believe the deficiency estimate, if I recall rightly, is \$6,000,000 for the current year.

Mr. BYRNS of Tennessee. This is a reduction of some 75 per cent.

Mr. MANN. This is a reduction. I said increase. I meant reduction. What is the occasion of that, in view of the fact that you can not get anything done by the War Department, and they seem to be behind on everything?

Mr. BYRNS of Tennessee. Well, I do not think some of the bureaus are very far behind, or at least I have not found that to be the case. I have always found pretty prompt action in the office of The Adjutant General, for instance, and other bureaus.

Mr. MANN. I occasionally get a communication from The Adjutant General, generally a form letter, telling me to apply somewhere else for the information. Of course it is not very difficult to take care of correspondence on that basis.

Mr. BYRNS of Tennessee. There has been no delay of any great extent of which I am aware unless possibly it be in the payment of some of the allotments by the Quartermaster's office, and which is due, I take it, largely to the conditions which arose on account of the transfer from the Bureau of War Risk Insurance. I might say that the recommendation of \$4,000,000 is based upon the estimate of \$5,940,000 which was submitted by the Secretary of War in his revised estimate.

Mr. MANN. Did not the Secretary of War recently submit an estimate for \$6,000,000 deficiency appropriation?

Mr. BYRNS of Tennessee. Yes.

Mr. MANN. In addition to the \$10,000,000 that was carried last year?

Mr. BYRNS of Tennessee. Yes; and if that is granted it will make more than \$16,000,000 that will be expended during the present fiscal year.

Mr. MANN. That is what I am trying to get at. Here is the Secretary of War who has an appropriation of over \$10,000,000 now for temporary employment. He has asked for \$6,000,000 more between now and June 30, and yet the gentlemen of the committee propose to reduce the entire allowance for the next fiscal year to \$4,000,000. If the Secretary of War needs \$6,000,000 between now and June 30, in addition to half of \$10,000,000 already allowed, I should think that he would need more than \$4,000,000 in the 12 months following June 30.

Mr. BYRNS of Tennessee. I may say to the gentleman that the revised estimates which were submitted to the committee were submitted on the basis of an army of 500,000 men, which officers who appeared before the committee stated it was hoped would be authorized by Congress.

Now, The Adjutant General has put on a great many additional employees recently. He has put on a thousand employees in the casualty division alone, and he is asking for another thousand employees in the casualty division. I understand there are about 3,500 employees in The Adjutant General's office at the present time, and he is asking for more in order to get out this information to which the gentleman refers as promptly as possible.

Mr. MANN. I have noticed there has been no great exodus of Government clerks from Washington such as we contemplated would happen when we passed the bill providing for their transportation expenses. We get printed reports every day or two from some department as to the number of men who have been employed and discharged within a recent period. I think the one I saw this morning came from the Department of Labor, which had over 10,000 employees, and the number employed during the last 30 days prior to the making of that report exceeded the number discharged. There have not been very many discharged from the Government service yet.

Mr. BYRNS of Tennessee. I confess I have been very much disappointed myself in the fact that there has not been any greater reduction in the force. I understand the War Department has reduced its force about 2,500 persons, and about a thousand of them have been reemployed in The Adjutant General's Office in the casualty division, to which I have just referred. There has been an increased demand for clerks in connection with the division of loans and currency in the Treasury Department and in the registrar's office, and possibly other bureaus which have to do with the auditing of accounts, and so forth.

Mr. MANN. Does the gentleman happen to know who has charge of the distribution of bonds subscribed for and paid for by soldiers in the Army?

Mr. BYRNS of Tennessee. The division of finance in the Quartermaster's office.

Mr. MANN. The gentleman knows there is very bitter complaint that bonds can not be obtained—bonds which have been fully paid for?

Mr. BYRNS of Tennessee. Yes. There has been some delay in sending some of those bonds out. I have had some cases called to my attention.

Mr. MANN. Mr. Chairman, I withdraw the pro forma amendment.

Mr. FOCHT. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, the discussion as to the salaries and the provision for their payment brings us to the revenue question, and I would like to call the attention of this committee to a communication I received from an important manufacturer in my district, and I hope, if there are members of the Ways and Means Committee present, that they will take note of what I am about to read. In fact, I take it for granted in pursuance of their duties and in their alertness and activities that they are familiar with this question, but it has seemed new to me, at least this later phase, and I hope the country also may take note. This is in reference to the leather trade. It says:

Some mail advices from England are not very encouraging regarding the possibility of the import embargo for leather being lifted there in the near future, and some parties state that it may be six months before this occurs, or possibly longer, but the general opinion here is that the embargo will continue until the British buying commission completes, which it is expected will be made before long.

Now, it seems that notwithstanding Uncle Sam has been the world's great benefactor, the great helper, with a mighty heart

that has poured out lavishly to the oppressed of the world the resources of this country, that we see here before the war is scarcely over, before the treaty of peace is signed, England preparing to take care of her trade. This is what my correspondent thinks about it. This is the voice of a layman. It is the voice of a man who has built up a great business under the encouragement of the beneficent laws of this country. You will have a great opportunity, my young friends [referring to Congressmen CAMPBELL and LONGWORTH], to display your talents in correcting this great evil, and seeing to it that the embargo is withdrawn. This is what the young gentleman thinks about it:

You will see from the inclosed underlined market letter that the English are putting their "silent tariff"—

Silent tariff! In these days of publicity so loudly proclaimed by our distinguished President that there is to be no more secrecy in the relations between the nations, that all cards must be upon the table, that there must be justice and equality everywhere, we see England putting on a "silent tariff" against American leather producers. They have a trust in the shape of a buying institution there, evidently. He says, further:

Their buying commission purchases collectively and unless one sells to them it is impossible to get a permit from the British Government to ship. It looks gloomy enough for leather-export business there at a profit.

It looks gloomy enough for the leather-export business, indeed, and our leather manufacturers may be compelled to finally close up and surrender to the alert Britishers.

Mr. MOORE of Pennsylvania. Does not the gentleman know that we have a War Trade Board in Washington that is supposed to take care of American interests in leather?

Mr. FOCHT. I have not found that they have accomplished anything, excepting that one of these boards put out of business hundreds of prosperous newspapers in the country, uselessly spent a lot of money, and tyrannized over those that survived.

Mr. MOORE of Pennsylvania. I will say to the gentleman that we do have a War Trade Board, whose chairman is now in Europe, probably in close juxtaposition to what is going on. The statement was made on the floor the other day that by reason of the activities of the United States to extend our trade in Russia a corporation had been formed—

Mr. FOCHT. That is Mr. McCormick.

Mr. MOORE of Pennsylvania. I mention no names.

Mr. FOCHT. Let us mention names. Let us have it all wide open, with "the cards on the table." That would be the right way and the popular way. [Laughter.]

Mr. MOORE of Pennsylvania. This gentleman is the head of the War Trade Board, and the War Trade Board, as I understand, has been working in cooperation with the British consuls in the United States.

Mr. FOCHT. Yes; and we should find out what those fellows have done with all this money while Great Britain built up her foreign trade and shut out American leather under her foxy "silent tariff" embargo policy.

Mr. MOORE of Pennsylvania. And they do not permit the people who contemplate shipping goods abroad to export goods or to get in touch with the world's markets without the consent of the War Trade Board.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. FOCHT. I have another matter relating to a different phase of the situation which I wish to refer to if the House will give me another minute or two or five.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask that the gentleman be permitted to proceed for five minutes more.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. MOORE] asks unanimous consent that his colleague may proceed for five minutes more. Is there objection? There was no objection.

Mr. FOCHT. I thank my colleague. The gentleman from Illinois [Mr. Mason] has just amplified some questions here, and he always illuminates every subject he discusses. It should be remembered that there were some of us at least on the floor of this House who approached the war in what we thought was a statesmanlike way, and that was with caution, but we voted for war and sustained it throughout, and the war was won. The question has often been asked, Why did you vote for war? I will tell you why I voted for war. I believed then that there would be brought about a wider extension of human liberty in the world and a guaranty of future peace. That is the reason why I voted for war, and I hope I may not be disappointed.

Now, then, presuming that we are to have no more war, if we are going to abandon that method of settling disputes, then how is it to be brought about unless we disarm? Disarmament would at least indicate good intentions on the part of the

nation. Another thought I wish to briefly call your attention to. Here I have a direct contradiction of that whole program of future peace. We may extend human liberty; it may become wide flung throughout the world; but, as to this much-vaunted guaranty of peace, does it look as if we were preparing for peace? Not only has the Secretary of the Navy called for the largest navy ever known in the world—and that does not look like approaching peace—but when we see a condition and a situation in Pennsylvania, such as the one I will describe here in the short time I have, it is evident that it is time for Congress, and for this Congress, to take note. I want to read this to you from a correspondent of mine. This letter is written from the progressive and booming town of Mount Union, Pa., where great munition works are located. My correspondent writes:

So long as war explosives are based on nitrates, I believe it would be a good thing for the United States to own some of the powder plants, to hold the equipment together. The Aetna plant here has a lot of very valuable, intricate equipment which I understand must be sold for scrap. The Japs had four men here a week ago to look over the plant, and offered some of the foremen enormous salaries for a two-year contract to erect this plant in Japan, provided they bought it.

That is all. You may draw your own conclusions. Those who are in a position to act should do so, if we are going to have peace in the future. But it does not look to me as though it was going to be guaranteed by Japan, since they come here and want to buy this munition plant and erect it in their own country—not to make stockings, not to make shirts, but to make the things that kill people; and that makes, of course, for more war.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman state who is the writer of the letter?

Mr. FOCHT. Yes; Mr. E. M. Greene. He is a patriot and one of the best and most prominent business men in central Pennsylvania.

Mr. SLOAN. Mr. Chairman, will the gentleman yield?

Mr. FOCHT. Yes.

Mr. SLOAN. Has not the Government boosted the leather business enough by buying a million saddles when it has only 130,000 horses to put them on? Why do the leather men complain?

Mr. FOCHT. Because they have not had the opportunity to sell their leather or to export it, simply because England has monopolized the trade. If anything has been expended for that purpose it is up to those in charge of the department to explain what has become of the money. And possibly the saddles were bought and made in England, while American leather remained here on account of Great Britain's "silent" embargo against us.

Mr. GREENE of Vermont. Mr. Chairman, will the gentleman yield?

Mr. FOCHT. Yes.

Mr. GREENE of Vermont. Does the gentleman think a million and some odd saddles are enough to permit the putting of one saddle on the back of every hobby that this administration has been riding? [Laughter.]

Mr. FOCHT. Yes, possibly; but riding on to further party destruction. [Laughter.]

INTERESTING COMMENTARY ON POLITICAL METHODS.

[By A. Boyd Hamilton, in the Harrisburg Telegraph, Jan. 15, 1919.]

Publication of the table of the official vote of 1918 for congressional honors in the seventeenth, or "shoestring," district, as compiled by the return judges at Lewistown, affords an interesting commentary on the way the voters of the eight counties of the district regarded the war by Democratic National Chairman Vance C. McCormick, his newspapers, and his partisans and the horde of Federal officeholders against Congressman BEN FOCHT. In 1916 Congressman FOCHT, in a campaign marked by straight fighting on both sides, won over George A. Harris, the Fulton County cog of the Democratic machine, by 1,255. In 1918 Congressman FOCHT was assailed by McCormick with all the poison gas that could be assembled and opposed by Senator Scott S. Leiby, the personal hand-picked candidate of McCormick, to show the President that if the national chairman could not muster up a candidate for Congress in his "home" district he could elect one in the district "across the Susquehanna." The result was that FOCHT won by 5,414. This, too, in face of the fact that Leiby, in addition to having the McCormick nomination, was also the candidate of the Prohibitionists. In spite of the strenuous efforts of McCormick and his crew FOCHT carried every county except Fulton, and only lost that by 20 votes. FOCHT's total vote was 16,762 and Leiby's 11,348.

Another interesting fact in connection with McCormick's fight against FOCHT is that every one of the eight counties in the seventeenth elected a Republican legislator, even Fulton choosing an out-and-out Republican for the first time in years and the Democratic seat in Juniata being lost. In the whole seventeenth district the only surviving Democratic legislator is Leiby, who was elected by an accident in 1916.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Pennsylvania moves to strike out the last two words.

Mr. MOORE of Pennsylvania. Mr. Chairman, the gentleman from Illinois interrogated the gentleman from Tennessee [Mr. BYRNS] a while ago in regard to these temporary employees, for

whom \$4,000,000 is requested. I rise to support the gentleman from Tennessee, who recommends this appropriation, because I am inclined to think the War Department needs more help. It needs help for various branches of the service—for ordnance, for aviation, and for one other department that we do not often discuss on this floor, namely, the Judge Advocate's Department.

A few days ago, when another bill was under discussion and the question of appropriation was up, I called attention to the fact that the report made by the Hon. Charles E. Hughes at the instance of the President, in the matter of the aircraft appropriation of \$640,000,000, had contained a recommendation that one Col. Deeds be court-martialed for offenses against the proprieties in the matter of his connection with business concerns and business partners while he was holding the office of colonel and was in a position to get information in regard to contracts that were gradually using up the \$640,000,000 for the expenditure of which a Senate committee reported that we had not secured a single fighting plane for use in the war upon the other side of the water.

The report of the Senate committee was an indictment of those who had in charge the expenditures of this \$640,000,000 which we so cheerfully appropriated to further the war and to put our boys on the other side in a position to fight. The Senate committee said that the \$640,000,000—enough to run this Government for a whole year before the war—had not produced a single fighting plane in France, and therefore our boys over there waiting to use these planes were twiddling their thumbs or swelling the casualty lists while gentlemen like Col. Deeds and others were testing the qualities of the Liberty motor, erecting plants, buying land, experimenting, and doing all sorts of things with our \$640,000,000. The Hughes report, prepared at the instance of the President, who had appointed Justice Hughes when a great scandal was brewing with regard to the expenditure of this \$640,000,000, suggested that Col. Deeds be court-martialed.

I referred to that the other day and also called attention to the report of the Attorney General, to whom the Hughes report had been referred, and said what was the fact, that the Attorney General, who is about to resign his office, backed up the Hughes report as to Col. Deeds and recommended his court-martial by the War Department. So that we had these representatives of the United States insisting that Col. Deeds be court-martialed for his participation in the use of that \$640,000,000. That put it up to the War Department.

Mr. BYRNS of Tennessee. Did I understand the gentleman to say that we had no battle planes or aeroplanes in France?

Mr. MOORE of Pennsylvania. That was the report of the Senate committee that we had not one single fighting plane in France as the result of our expenditure of this \$640,000,000.

Mr. BYRNS of Tennessee. What was the date of that report?

Mr. MOORE of Pennsylvania. That report was made by the Senate committee, headed by Senator THOMAS. Of course, I mean American-made fighting planes, or what the committee called "planes of attack." We had bought planes from France and England, and we are paying for them in the contracts that we validated the other day; but we did not have one single American-made fighting plane in France, according to this Senate report, although we had expended \$640,000,000. I quoted from the report of January 8.

Mr. BYRNS of Tennessee. Then, there must be a later report, showing that we had aeroplanes there.

Mr. MOORE of Pennsylvania. This is an economical Government, and we are saving money now by abolishing Subtreasuries and things of that kind. I may have done Col. Deeds an injustice in calling attention to this matter and I may have done the War Department an injustice in referring to these reports, made at the instance of the President of the United States, who is now in France, but Mr. Justice Hughes and the Attorney General, now about to retire, certainly recommended that the derelictions, or at least, the improprieties, of Col. Deeds were such as to warrant his court-martial. We had appropriated the money and he had helped to spend it, and we had no American-made fighting planes in France, and these official appointees of the President insisted that Col. Deeds be court-martialed. The whole matter was referred to the Secretary of War, who now comes to us for more money for clerks to help out—

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE of Pennsylvania. I ask unanimous consent for two minutes more.

The CHAIRMAN. The gentleman from Pennsylvania asks that his time be extended two minutes. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. I think I ought to complete this statement in justice to the War Department, for I have undertaken to defend this appropriation of \$4,000,000 to help the Secretary of War and the Judge Advocate General, who is sponsor for sending a great many young fellows to jail for 25 years for going home to see their mothers or something of that kind. The Judge Advocate General may need more clerks to help out, especially when men inclined to "pernicious activity," like Justice Hughes and the Attorney General, insist that some representative or agent or favorite of the Secretary of War be court-martialed. The very idea of Justice Hughes, at the instance of President Wilson, having the impertinence to bring in a report suggesting that one little colonel be court-martialed invites support for additional clerk hire in the Judge Advocate General's office. Why, when these reports went in and this court-martial was demanded, instead of the Secretary of War or the Judge Advocate General, who is the law officer down there, taking Col. Deeds by the neck, what did they do? For one thing, they or somebody else got up a dinner at which Col. Deeds was the chief guest of honor and at which they sang "For he's a jolly good fellow." And although we had spent \$640,000,000 and had no American-made fighting planes in France in time for service, Col. Deeds said he did not think the American people, who will have to pay this \$640,000,000, understood, as France and England understand, the "spiritual advantages" of the kind of work he had been doing.

Mr. BYRNS of Tennessee. Can the gentleman state who got up that dinner?

Mr. MOORE of Pennsylvania. I do not know who got up the dinner; but Assistant Secretary of War Crowell was there, Gen. Squier was there, and a number of Army officers were there, and they all appear to have been spellbound as Col. Deeds told them of "the spiritual advantages" of spending money the way it had been spent. He seemed to think we did not appreciate the value of the services of men of his kind.

Mr. MADDEN. European officers here refused to go to the dinner, did they not?

Mr. MOORE of Pennsylvania. I think some of them were there. But that is not the point. The Judge Advocate General has found Col. Deeds not guilty, and the Secretary of War has just made announcement of that fact, despite the report of Justice Hughes and the views of the Attorney General. So there is to be no court-martial.

Mr. FIELDS. Mr. Chairman, the report of the statistics branch of the General Staff of the Army shows that on November 11, 1918, the United States had manufactured, of the style DH-4 plane, 3,227, of which 1,885 had been shipped overseas. [Applause.] Of the combat Handley-Pages—

Mr. MOORE of Pennsylvania. That was the day the armistice was signed.

Mr. FIELDS. It does not mean that they were all shipped on that day.

Mr. MOORE of Pennsylvania. That does not controvert the statement that I have made.

Mr. FIELDS. This is the report of the number of planes that had been shipped at the time the armistice was signed.

Mr. MOORE of Pennsylvania. After the war had ended.

Mr. FIELDS. The report shows that we had shipped these planes prior to the signing of the armistice, the statement of the gentleman from Pennsylvania to the contrary notwithstanding.

Mr. MOORE of Pennsylvania. That was after the armistice had been signed.

Mr. FIELDS. Of course they were shipped before the armistice was signed.

Mr. MOORE of Pennsylvania. Were they bombing planes or battle planes, so called, or is this one of the reports made by our distinguished colleague from New York [Mr. CALDWELL], who kept us all so well informed about the progress of aircraft construction?

Mr. FIELDS. Now, I must proceed with the report. Of the combat Handley-Pages, 101, and 100 had been shipped overseas, making a total shipment overseas of 1,985.

Mr. MOORE of Pennsylvania. At what date?

Mr. FIELDS. The 11th of November.

Mr. MOORE of Pennsylvania. That was the day the armistice was signed.

Mr. FIELDS. Yes. That covers all shipments made by the department up to that time.

Mr. MOORE of Pennsylvania. Those were training planes, to prepare for the next war.

Mr. FIELDS. Now, taking the engines, of the combat Liberty engine, 13,574 were manufactured, of which 4,383 had been shipped overseas. Of the combat Hispano, we produced 469, and

245 of these were shipped overseas. Of the training, elementary, 10,586 were produced, none of which were shipped overseas. Of the training, advanced, 5,221 were produced, of which 200 had been shipped overseas, making the total shipment overseas of engines 4,828. [Applause.] This does not include 1,025 consigned to the allied governments.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. FIELDS. And, in addition to that, we secured 2,676 combat planes, equipped with engines, from all of the allied governments.

Mr. MOORE of Pennsylvania. Now, will the gentleman yield?

Mr. FIELDS. Yes.

Mr. MOORE of Pennsylvania. Were those planes built under the \$640,000,000 appropriation or the subsequent appropriation of \$800,000,000 which was passed to bolster up the \$640,000,000?

Mr. FIELDS. I did not look into that phase of the question, but the figures that are disturbing the gentleman from Pennsylvania probably, and that have disturbed a good many others on that side of the House, are contained here in the fact that we did buy some planes from foreign manufacturers. While that is true, we shipped, as I stated, from this country 1,985 planes and 4,828 engines.

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield?

Mr. TILSON. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. We appropriated another \$800,000,000 to accomplish that work.

Mr. FIELDS. And, in addition to that, the balance of the great amount we did manufacture, the figures of which I gave a moment ago, were in service training men in this country.

Mr. MOORE of Pennsylvania. How many of those got up to the fighting line?

Mr. FIELDS. The report does not show that.

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield?

Mr. FIELDS. Yes.

Mr. LONGWORTH. Will the gentleman state, of his own knowledge or from any report that he has, that a single German aeroplane was destroyed by an American fighting aeroplane?

Mr. FIELDS. I think I can give the gentleman that right here.

Mr. BYRNS of Tennessee. Oh, I can state that. I have seen repeated statements in the newspapers, and one very distinguished officer from my home town of Nashville, Tenn.—Capt. Buford—has several to his credit.

Mr. LONGWORTH. Was his plane an American machine?

Mr. BYRNS of Tennessee. Capt. Buford was serving in the American Aviation Service.

Mr. LONGWORTH. Oh, yes; but was he in an American machine?

Mr. BYRNS of Tennessee. I, of course, can not tell that.

Mr. LONGWORTH. But that is the question that I asked.

Mr. BYRNS of Tennessee. I can not tell what kind of a machine he was driving, but he was driving a machine as an American soldier, and a splendid one at that.

Mr. LONGWORTH. Precisely, and so were many other brave soldiers; but if it is permitted under the rules of the House I will now wager a large red apple with either the gentleman from Tennessee [Mr. BYRNS] or the distinguished gentleman from Alabama [Mr. HEFLIN], the cheer leader on the Democratic side, that they can not prove that one single German plane was ever downed by an American fighter in an American plane.

Mr. BYRNS of Tennessee. Of course the gentleman is safe in making that bet now, if he expects it to be determined now, because I have not the facts.

Mr. LONGWORTH. I am asking for the facts.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. FIELDS. Mr. Chairman, I ask unanimous consent to proceed for two minutes.

The CHAIRMAN. Is there objection?

Mr. MANN. Mr. Chairman, reserving the right to object, and I shall not object, I would ask the gentleman from Tennessee [Mr. BYRNS] whether he expects the House to stay here discussing these matters outside of the bill and then endeavor to keep the House in session until toward midnight to consider the bill itself?

Mr. BYRNS of Tennessee. Mr. Chairman, I submit to the gentleman that practically all of the talk, with the exception of this speech, that has been made here to-day outside of the bill has come from the gentleman's side of the Chamber.

Mr. MANN. Oh, not at all. Most of the talk has been on the other side of the Chamber. Of course most of it has been useless, but most of it has been on that side.

Mr. BYRNS of Tennessee. My memory is not that way.

Mr. MANN. Oh, it was the gentleman's side of the Chamber that precipitated an hour of debate here in which the gentleman agreed.

Mr. BYRNS of Tennessee. That was a matter in connection with the bill—the question of the Subtreasuries. I was speaking of matter that is not contained in this bill. I think the talk should be confined to the bill, and I have hesitated to make points of order on gentlemen, but if the House is willing I now serve notice that I am going to request gentlemen to confine themselves strictly to the paragraphs under consideration.

Mr. MANN. I asked the gentleman a question. He has not yet answered that, and he indulges in a tirade against this side of the House, which is unjustifiable, and that is whether he expects to keep the committee here to-night?

Mr. BYRNS of Tennessee. I expect to ask the committee to stay up into the evening if they will consent to do so because we have made very little progress with this bill, and I hope the gentleman will take that into consideration hereafter so we may make some progress.

Mr. FIELDS. Mr. Chairman, I have submitted a request for two additional minutes.

The CHAIRMAN. And that was granted.

Mr. FIELDS. The report also shows that the United States planes lost to the enemy number 271; enemy planes lost to the United States, 491, confirmed; and, in addition to that, 354 unconfirmed.

Mr. GRAHAM of Illinois. Will the gentleman yield?

Mr. FIELDS. Not just now. Which means there were not three persons able to make an affidavit that they knew of their own personal knowledge that these enemy planes were lost to the United States. The report therefore shows that there were 845 enemy planes lost to the United States, confirmed and unconfirmed, as against 271 lost by the United States, which shows a decided gain in favor of the United States.

Mr. GRAHAM of Illinois. Will the gentleman now yield?

Mr. FIELDS. Yes; I yield.

Mr. GRAHAM of Illinois. Does the gentleman know whether there were any American-bought planes ever delivered at the battle front?

Mr. FIELDS. I will yield to the gentleman from Virginia, Judge HARRISON.

Mr. HARRISON of Virginia. Mr. Chairman, I am prepared to say there was a statement made before the Committee on War Affairs by the War Council that there were a number of American-made planes manned by American fliers at the front at the time the armistice was signed.

Mr. GRAHAM of Illinois. Will the gentleman yield for a statement? I, myself, was at the American air base in France about the 16th of October. Up to that time about a thousand Liberty motors had been delivered adapted for bombing planes, but up to that time not a single combat plane had been delivered to the American base in France in the middle of October—not a single fighting plane. I was there and found that out myself.

Mr. HARRISON of Virginia. I have only the statement made before the Committee on Military Affairs by the War Council, at which were present the Secretary of War, or his Assistant Secretary of War, and somebody representing—

Mr. GRAHAM of Illinois. A thousand engines had been delivered at the time I was there which were adapted for bombing planes but not for pursuit planes.

Mr. FIELDS. But the main proposition is there were planes there belonging to America, paid for by American money, manned by American men; and there were nearly four times as many enemy planes lost to the United States as there were American planes lost to the enemy.

Mr. HARRISON of Virginia. That is, out of the \$640,000,000 all the planes necessary for the protection of American troops were brought from the French and English manufacturers.

Mr. TILSON. Mr. Chairman, I ask unanimous consent for two minutes, as I think I can clear up this situation and stop the discussion.

Mr. BYRNS of Tennessee. I am not going to object to the two minutes, but I shall object to any further extension of time unless the discussion is confined to this bill.

Mr. TILSON. Mr. Chairman, there is some confusion here in regard to what a fighting plane is. Every plane that carries bombs or any other weapons that goes over the lines into enemy territory to participate in the fighting in any manner is a fighting plane in one sense of the word. We had a number of large planes, called bombing planes, made in America, that got up to the front before the end of the war.

Mr. HUMPHREYS. What does the gentleman call a number?

Mr. TILSON. Well, a small number; it will be only a guess, but as there were about 1,800 shipped from this country, my guess would be that about one-third of them reached the war zone, and some of our boys went over the line in our own planes. [Applause.] These were bombing planes, and not pursuit planes or what the French call chasse planes. My opinion is that if there were any German planes brought down by an American-made plane it was because some American bombing plane happened to get above the German plane and dropped a bomb on it. We had no planes of American make there that were suitable or able to contest with the swift-flying planes of Germany. All the planes that our fliers used in bringing down German planes were European-made combat or pursuit planes. The planes of this kind used most by our fliers were the French S. P. A. D. and Nieuport. Possibly some of the British Bristol were used.

Mr. LONGWORTH. In other words, there was never an American ace in an American plane?

Mr. TILSON. Not in an American-made aeroplane. We bought those planes abroad and our men flew them. Our men fought, so far as they fought in the air, in the speedy planes bought from France and Great Britain. This is where the confusion arises. There were American-made planes, but there were no pursuit planes, those planes with which one flier would go after another and bring him down with machine-gun fire.

Mr. HEFLIN. Those planes were bought and paid for out of American money.

Mr. TILSON. Yes. Not out of the \$640,000,000, necessarily. Most of that sum was spent in this country in the attempt to develop the Liberty engine and the planes made in this country. A large amount, something over a billion, all told, in addition to the original \$640,000,000, was spent in this country and abroad in connection with airplanes. The \$640,000,000 that we first appropriated was largely expended in this country in trying to find out what engine and planes to build. These are the facts, so far as they go, which I believe can not be successfully challenged.

The CHAIRMAN. The time of the gentleman has expired.

The Clerk read as follows:

Adjutant General's Office: Chief clerk, \$2,500; 10 chiefs of divisions, at \$2,000 each; clerks—58 of class 4, 74 of class 3, 116 of class 2, 231 of class 1, 93 at \$1,000 each; engineer, \$1,400; assistant engineer, \$900; 2 firemen; skilled mechanic, \$1,000; 11 messengers; 61 assistant messengers; 4 watchmen; 21 laborers; in all, \$852,540; all employees provided for by this paragraph for The Adjutant General's Office of the War Department shall be exclusively engaged on the work of this office for the fiscal year 1920.

Mr. MADDEN. Mr. Chairman, I move to strike out the last word. I would like to ask the chairman of the committee where he provides the sum for the temporary employees in the War Department located in Washington?

Mr. BYRNS of Tennessee. That is on page 68 of the bill.

Mr. MADDEN. Well, how much of this does it amount to?

Mr. BYRNS of Tennessee. Four million dollars.

Mr. MADDEN. That covers all employees?

Mr. BYRNS of Tennessee. That covers all the temporary employees.

Mr. MADDEN. That is what I want to know.

Mr. BYRNS of Tennessee. Of course the bill carries an appropriation for all the statutory, regular, permanent force.

Mr. MADDEN. I understand that. I was just wondering whether they were reducing the number of employees or not.

Mr. BYRNS of Tennessee. They are considerably reducing them. As explained before, they had a regular appropriation of \$10,250,000, in round numbers. They are back now asking for a deficiency of something like \$6,000,000, which, if allowed, would mean the expenditure of over \$16,000,000 this fiscal year for these temporary employees. This recommendation is for only \$4,000,000 during the next fiscal year. I will say to the gentleman I do not know whether it is going to be sufficient or not. Gen. Lord, who, by the way, is one of the most competent gentlemen I have ever listened to in a hearing, and who served as secretary to the Dingley Ways and Means Committee years ago, submitted this estimate. He does not think \$4,000,000 is enough.

Mr. MADDEN. We had about 98,000 employees here due to the war; sixty thousand and odd employees more than we had during the time of peace. The understanding was that these additional people were going to be dismissed rather rapidly, but the last report I saw, two or three days ago, indicates that only 2,500 people have been dismissed so far; that is, the force has been reduced only 2,500. Now, does not the gentleman think that is rather slow?

Mr. BYRNS of Tennessee. I do not know. I admit very frankly it is not near so many as I had expected would have been released by this time. I had hoped they would make a greater reduction.

Mr. MADDEN. Well, I hope they will get into action and dispense with the unnecessary employees. I think it may be fairly said that you can go into any department of the Government at any hour of any day and can walk through from end to end and you will not find more than one person out of every hundred doing anything. And it seems to me that if there is no work for them to do they ought not to be kept on the pay roll. And I think notice should be served on the executive branches of the Government that we expect them to reduce the forces that were called here on account of the war, and that 2,500 dismissals or resignations since the signing of the armistice is not anything like the proportion of extra employees on the pay roll that ought to have been dispensed with.

Mr. HUMPHREYS. May I ask the gentleman a question about these extra employees?

Mr. BYRNS of Tennessee. Certainly.

Mr. HUMPHREYS. Are the young men who were at work in the departments here and when the war came on were given commissions as lieutenants and captains and what not, and continued in the departments, carried in this bill, or provision for them carried in this bill, or are they paid out of the military appropriation?

Mr. BYRNS of Tennessee. They are paid for out of the pay for the Army, carried in the military appropriation bill.

Mr. HUMPHREYS. Then this \$4,000,000 does not refer to them?

Mr. BYRNS of Tennessee. No. This applies to civilian employees.

The Clerk read as follows:

Office of Surgeon General: Chief clerk, \$2,250; principal assistant librarian, \$2,250; principal clerk, \$2,000; chemist, \$2,100; assistant chemist, \$1,600; pathologist, \$1,800; microscopist, \$1,800; assistant librarian, \$1,800; anatomist, \$1,600; entomologist, \$1,600; photographer, \$1,500; 2 translators, at \$1,800 each; clerks—14 of class 4, 13 of class 3, 26 of class 2, 36 of class 1, 13 at \$1,000 each, 2 at \$900 each; engineer, \$1,400; skilled mechanic, \$1,000; 2 messengers; 11 assistant messengers; 3 firemen; 3 watchmen; superintendent of building (Army Medical Museum and Library), \$200; 6 laborers; 4 charwomen; in all, \$185,740.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I was much surprised to receive a letter from the War Department that was not a form letter. I have a communication from the Surgeon General giving information to the House in reference to discharges from the Medical Corps that I would like to have read. It is a very courteous and informing letter.

The CHAIRMAN. Without objection, the Clerk will read.

The Clerk read as follows:

WAR DEPARTMENT,
OFFICE OF THE SURGEON GENERAL,
Washington, January 15, 1919.

Hon. JAMES R. MANN,
House of Representatives, Washington, D. C.

MY DEAR MR. MANN: I am very glad, through the opportunity given in your letter of January 11, to explain to you the difficulties the Medical Department is having in the demobilization of the Army on account of the very great number of requests for the release from service of personnel now attached to the department.

Just as soon as the armistice was signed the Medical Department laid out a plan of demobilization, which it has carried out in a perfectly consistent manner. The problems before the department are most difficult to handle and hard to explain to those not familiar with the facts.

While the troops in the United States are being demobilized as rapidly as possible, the sick are being returned from France in great numbers; 44,000 have been returned altogether and 33,000 of this number have been returned since the armistice was signed. Over 23,000 were returned in December, and we are informed that the December rate will be continued for at least the next three months. From that time on only sick and wounded will be returned incident to the command which may be held in France. To meet the obligations of the Medical Department to care for the sick it is absolutely necessary for us to keep in service a sufficient personnel to man our hospitals. It is also necessary for us to keep certain surplus officers for special service, for they will certainly be required before the sick and wounded are cared for, and if the necessary provision is not made in advance the department will surely be criticized for not giving the soldier the treatment to which he is entitled and which the people have a right to demand. Under the circumstances enumerated above it is perfectly possible for an officer to say that he is not busy at present and to believe his services can be dispensed with, but his retention in the service is for good and sufficient reasons, which I am sure you will approve.

I think you ought to know that since the armistice was signed the Medical Department has discharged and returned to civil life 9,336 officers. Of this number 7,350 were medical officers, 1,124 dental surgeons, 383 veterinary surgeons, and 477 Sanitary Corps officers; 2,500 members of the Army Nurse Corps have also been discharged and returned to their occupations in civil life.

With these statements, I sincerely trust the Medical Department will be held in your mind as having laid out a sane and sensible plan of demobilization.

I desire to assure you that letters such as you have written to the department will never be used to the injury of the officer involved.

With cordial regards,

Very sincerely, yours,

M. W. IRELAND,
Surgeon General United States Army.

The CHAIRMAN. Without objection, the Clerk will report the spelling of the word "Museum," page 71, line 12. In the bill as printed it is spelled "Musuem."

There was no objection.

Mr. GREEN of Iowa. Mr. Chairman, I wish to add just a word to what the gentleman from Illinois [Mr. MANN] has said with reference to the courtesy with which Members are treated by the Surgeon General and the personnel of his office. I think the universal testimony would be from the Members of the House that we have had no occasion to complain of any lack of courtesy there; and not only that, but the information which they have received was of the character which has just been described by the gentleman from Illinois [Mr. MANN], informing, instructive, and useful. That does not mean that Members always were able to obtain what they desired. On the contrary, they have often come away without obtaining it, but they have always been furnished with good reasons why the order could not be made. And this has extended, I think, clear down through the Surgeon General's Department, with some occasional lapses perhaps, owing to the fact that in so large an organization it would be impossible for perfect service to be rendered everywhere.

Mr. PLATT. If the gentleman will yield, I wish to say that the Surgeon General's office, in connection with the demobilization, made an order a while ago that men in the service over 50 years of age should be released. Apparently the theory on which that order was issued was that men over 50 would have more difficulty in reestablishing themselves in their practice at home than the younger men. Just exactly the opposite was true, I think. One or two cases came under my notice of men over 50 who wanted to stay in the service, but were not allowed to stay. They were rather enjoying the varied experience and new life they were leading in the service, and wanted to stay a while longer. But they were all let out. There, it seems to me, is one place where the Surgeon General's office rather overreached itself by acting on the wrong theory.

Mr. GREEN of Iowa. I will have to confess that when the Surgeon General's office made that order I thought it was an excellent one, founded on very substantial reasons. It may not have worked out perfectly in all cases. I think that is true with respect to most orders. Indeed, no order could be expected to work out perfectly in all cases.

Mr. PLATT. There may be cases where men over 50 did not want to stay, but if so, those were exceptional. I think they could reestablish themselves more easily in their home towns than could younger men, who had not got their practice so well together.

The CHAIRMAN. The pro forma amendment will be withdrawn. The Clerk will read.

The Clerk read as follows:

Public buildings and grounds.

Mr. GREEN of Iowa. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Iowa moves to strike out the last word.

Mr. GREEN of Iowa. May I ask the chairman of the committee a question, in reference to the item of War Department expenses on page 72, that I overlooked? It is at the top of page 72, covering expenditures in the drafting department. It says that the amount shall not exceed \$400,000. Can the gentleman tell us what the expenditures of this department were ordinarily in peace times, before the war? I was under the impression that it was not to exceed half of this, and I was in hope we would get somewhat nearer back to a peace basis with reference to such matters.

Mr. BYRNS of Tennessee. In 1917 the authorization was \$140,000.

Mr. GREEN of Iowa. Of course, that was in war times.

Mr. BYRNS of Tennessee. That was the year beginning July 1, 1916, and extending up to July 1, 1917.

Mr. STAFFORD. We were not in the war in 1916.

Mr. BYRNS of Tennessee. One hundred and forty thousand dollars was the amount of the authorization.

Mr. GREEN of Iowa. The gentleman is right. That was an oversight of mine. This appropriation, of course, was made before the declaration of war, and was not made in view of the war. That escaped me for the moment.

Mr. TILSON. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Connecticut moves to strike out the last two words.

Mr. TILSON. I wish to ask a question of the chairman about the Militia Bureau. There seems to be the usual large appropriation for this bureau, which I had supposed to be now practically out of business. While the National Guard, formerly under the bureau, is all in the service and not under the bureau at all, what is the situation?

Mr. BYRNS of Tennessee. There have been a good many companies raised in the various States which have not participated in the war.

Mr. TILSON. There are only eight States in the Union that have any organizations of the National Guard left.

Mr. BYRNS of Tennessee. I think my State is one of them.

Mr. TILSON. Yes. The gentleman's State is one of them; but I repeat, that there are only eight States in the Union that have a remnant of the National Guard left.

Mr. BYRNS of Tennessee. It is expected by the Chief of Militia Affairs that there will be an increase in the National Guard in the various States.

Mr. TILSON. That is just the interesting point that I wished to bring out, the anticipations of the powers that be as to the activities that will take place under this bureau in the next fiscal year.

The CHAIRMAN. The pro forma amendment will be withdrawn. The Clerk will read.

The Clerk read as follows:

Navy Department Annex, near New York Avenue near Seventeenth Street NW.: Engineer, \$1,200; 6 firemen; 5 elevator conductors, at \$720 each; 7 watchmen; skilled laborer, \$840; 7 laborers; attendant, \$480; in all, \$70,100.

Mr. BYRNS of Tennessee. Mr. Chairman, on page 76, line 15, after the word "annex," appears the word "near." That word has no business there, and I move that it be stricken from the bill.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. BYRNS of Tennessee:

Page 76, line 15, after the word "annex," strike out the word "near."

The amendment was agreed to.

The Clerk read as follows:

Naval Observatory: Astronomer, \$2,800; assistant astronomers—1 \$2,400, 1 \$2,000, 1 \$1,800; assistant in department of nautical instruments, \$1,600; clerks—1 of class 4, 1 of class 3, 2 of class 2, 2 of class 1; instrument maker, \$1,500; electrician, \$1,500; librarian, \$1,800; assistants—3 at \$1,600 each, 3 at \$1,400 each, 2 at \$1,200 each; stenographer and typewriter, \$900; foreman and captain of the watch, \$1,000; carpenter, \$1,000; engineer, \$1,200; 3 firemen; 6 watchmen; mechanic, \$900; 9 laborers; in all, \$52,820.

For miscellaneous computations, \$5,000.

Mr. HUMPHREYS. Mr. Chairman, I move to strike out the last word, for the purpose of asking the chairman of the committee a question. I notice that about \$100,000 is appropriated for the Naval Observatory, including the Nautical Almanac Office. Does the gentleman know what amount was appropriated last year?

Mr. BYRNS of Tennessee. I think it was about the same amount. I do not think there has been any increase. I will give the gentleman the exact figures.

Mr. HUMPHREYS. That is sufficient—about the same amount?

Mr. BYRNS of Tennessee. Yes.

Mr. HUMPHREYS. Several years ago there was a very interesting hearing before the gentleman's committee on the subject of the Naval Observatory. I think letters and statements were presented to the committee from the most noted astronomers throughout the country, as I recall, from all of the professors of astronomy in the various leading educational institutions in the country, all of them insisting that this bureau should be taken from under the Navy Department, and the fact was cited that more money is spent in maintaining this Naval Observatory than is expended on any other naval observatory in all the world, and that the observations of the astronomers, the scientific work of the astronomical observatory, aside from the mere timing, repairing, etc., of chronometers, had resulted in very little if any contribution to astronomical knowledge. A year ago I called attention to it again, and assuming that that would call the attention of the officials of the Naval Observatory to the fact, I read into the Record many of those same criticisms. After the first hearing no statement from the Naval Observatory or from the naval authorities was incorporated in the hearings to contradict or controvert either the statements or the positions taken by these scientific gentlemen. So far as I have been able to learn the Navy Department said nothing. I was wondering if this year the naval authorities undertook to give any justification or defense, or attempted to controvert the opinions that had been incorporated in the Record, from these scientific men throughout the country, all to the effect that this observatory ought to be taken out from under the Navy Department and placed under the Smithsonian Institution, in order that science might get the benefit of this very large expenditure of money.

Mr. BYRNS of Tennessee. I will say to the gentleman that the subject was not referred to in the hearings this year. I

recall the statement made by the gentleman a year ago when this bill was under consideration. The hearings to which the gentleman has referred were had some years ago, I think, and I am not familiar with them.

Mr. HUMPHREYS. They were held some years ago; and last year I again called the attention of the committee and of the Navy Department, and of such others as might chance to read the record, to the subject by reincorporating some of these statements, hoping that perhaps the Navy Department would give some reason why the observatory should be retained under that department.

Mr. GARNER. The way to attract their attention is to move to strike out the paragraph.

Mr. HUMPHREYS. I would not move to do that. I do not think it ought to be stricken out, though I did introduce a bill to have the observatory transferred to the Smithsonian Institution, where it belongs.

Mr. GARNER. I was not suggesting to the gentleman that he move to strike it out for any other purpose than to attract their attention. In that way I am sure he would attract the attention of those who are going to get the pay.

Mr. HUMPHREYS. I introduced a bill to have it transferred to the Smithsonian; but, of course, under the rules of the House that bill was referred to the Naval Affairs Committee; and thereby hangs a tale.

Mr. BYRNS of Tennessee. The gentleman understands that this Naval Observatory is engaged in timing, testing, and repairing chronometers?

Mr. HUMPHREYS. I understand that there are two small stations, one at Mare Island, Cal., and the other one in Washington. The one in Washington ought to be on the seacoast, because after they have adjusted these very delicate instruments they must be put on board a train and transported to a seaport in order to be placed on vessels. But that is a very small part of the expense of maintaining this observatory.

The CHAIRMAN. The time of the gentleman has expired. The Clerk will read.

The Clerk read as follows:

For investigation of rural education, industrial education, physical education, and school hygiene, including personal services in the District of Columbia and elsewhere, and no salary shall be paid hereunder in excess of \$3,500 per annum, \$50,000.

Mr. BYRNS of Tennessee. I think there is an amendment pending to this paragraph, offered by the gentleman from Florida [Mr. SEARS] earlier in the day.

The CHAIRMAN. The gentleman from Florida [Mr. SEARS] by unanimous consent offered the amendment, which was to be considered pending at this point. The Clerk will report it.

The Clerk read as follows:

Amendment offered by Mr. SEARS: Page 101, substitute for the paragraph, lines 1 to 5, inclusive, the following:

"For investigation and promotion of rural education, industrial education, physical education, and school hygiene, including personal services in the District of Columbia and elsewhere, \$61,300: *Provided*, That the increase (\$11,300) shall be expended for physical education and school hygiene over and above the amount of the current appropriation used for that purpose: *And provided further*, That not less than \$5,000 of this additional appropriation shall be used for personal services and expenses outside of the District of Columbia, \$61,300.

Mr. STAFFORD. Mr. Chairman, I make a point of order on the amendment, because it provides for activities not authorized by existing law.

For many years past the head of the Bureau of Education has been seeking to have the language changed so as to provide for the promotion of various activities. That would confer upon him official authority for work which he is not now authorized to perform.

I direct the attention of the Chairman to the fact that under existing law the phraseology is as carried in the bill, for investigation of rural education, industrial education, physical education. I have reserved the point of order on the paragraph as carried by the bill also, but there is no authorization whatsoever for promotion purposes. That is something outside of and distinct from any activity that the commissioner has heretofore performed.

The CHAIRMAN. The provision carried in the appropriation bill for the current fiscal year is for investigation of rural education, industrial education, school hygiene, including personal services in the District of Columbia and elsewhere. The Chair understands that the purposes for which the appropriation is carried in the appropriation for the current fiscal year are authorized by law.

Mr. STAFFORD. The item under consideration, if the Chair would permit, provides for investigational work, and it does not authorize promotional work. The chief of the bureau has been seeking for years to obtain authorization to provide for promotion, whereby he may be able to expend money in other

lines than investigational work. The committee has not authorized that character of work, and the amendment now submitted carries that authorization. I make the point of order for that reason.

The CHAIRMAN. The point of order is sustained.

Mr. STAFFORD. I withdraw the reservation of the point of order on the paragraph in the bill.

The Clerk read as follows:

For investigation of kindergarten education, including personal services in the District of Columbia and elsewhere, \$6,000: *Provided*, That no person shall be employed hereunder at a rate of compensation exceeding \$2,500 per annum.

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment offered by Mr. MOORE of Pennsylvania: Page 102, after line 13, insert the following new paragraph:

"For promoting the work of the home education division, \$13,500."

Mr. STAFFORD. Mr. Chairman, on that I reserve the point of order.

Mr. MOORE of Pennsylvania. Mr. Chairman, I inquire of the gentleman from Tennessee [Mr. BYRNS] whether the Bureau of Education did not estimate for an appropriation for this purpose?

Mr. BYRNS of Tennessee. Yes; they submitted an estimate of \$13,500.

Mr. MOORE of Pennsylvania. The estimate was submitted by the Commissioner of Education?

Mr. BYRNS of Tennessee. Yes.

Mr. MOORE of Pennsylvania. Mr. Chairman, there are a number of good women in this country who are interested in this work, and they have been cheerfully cooperating with the Commissioner of Education for a number of years, I think since 1913, in the distribution of helpful literature to mothers of the country, and particularly in the matter of home reorganization work. They have been laboring amongst the foreign born and with the less erudite of our American population, believing that it was necessary to aid the mothers of the land who may not otherwise be given that assistance in the care of children that would make for good citizenship. I have been impressed by the stories of the accomplishment of the Bureau of Education, cooperating with these volunteers. I think the work has been inspired very largely by what is known as the Mothers' Congress, an organization of women who meet annually and who have been dedicating their services to mothers through the instrumentality of the organization over which the Commissioner of Education presides. They have been distributing literature, especially with respect to child-welfare work and the care of babies. They have been doing what they could to place in the hands of mothers material for making the home better and for developing children.

They have issued pamphlets and delivered addresses in the matter of home study for boys and girls. They have done what they could to help bring children up right, and have given instruction in respect to the care of the homestead and matters particularly interesting to new settlers, who are at a loss for literature and information with regard to home economics. They have had home courses for the study of children, have distributed books suitable to children, and have aided them in their common-school courses.

My understanding was that the chairman of the subcommittee on appropriations was inclined to look with favor upon this proposition, more especially as these ladies during the first year of their activities, cooperating with the Commissioner of Education, were of direct aid to as many as 10,500 mothers in the United States who had children under 3 years of age, and many more each year since. In view of the voluntary services of these ladies, some of whom have been on the roll at a dollar a year to obtain a status to make their work more effective, I had hoped the point of order would not be pressed. The appropriation called for in the amendment is the amount recommended by the Commissioner of Education for this purpose.

The CHAIRMAN. Is it the gentleman's contention that this is authorized by law?

Mr. MOORE of Pennsylvania. No; it is new matter.

Mr. STAFFORD. Mr. Chairman, it was not my privilege to be present when the bill was marked up providing for the various appropriations for the Bureau of Education. Undoubtedly the Members who were then present had very good reason for not approving of the recommendation. Therefore I feel constrained to make the point of order, because it is a new activity.

The CHAIRMAN. The point of order is sustained.

Mr. MOORE of Pennsylvania. Mr. Chairman, by permission of the committee, I append herewith certain data with regard to this work:

ACTIVITIES AND ACCOMPLISHMENTS OF THE HOME EDUCATION DIVISION, SEPTEMBER 15, 1913—MAY 15, 1918.

ORGANIZATION.

During the 56 months of its existence there have been employed 1 secretary continuously at work, 6 stenographers at different periods, and 8 clerks temporarily, besides 2 volunteer workers.

The division has had 42 months of stenographic and 30 months of clerks' service. It was without stenographic service 10 months. The Bureau of Education furnished stenographic service 11 months.

During this period the stenographer was shared with the office of the National Congress of Mothers for 9 months, at which time 428 dictated letters were written for that office and some addressing of envelopes.

CORRESPONDENCE.

The following statement gives number of letters received and the number of dictated and form letters sent. A large number of book summaries are received daily, read, and acknowledged. Much correspondence is required in connection with these. This does not appear on this report. It requires most of the time of 1 clerk to read and send material requested daily.

Number of letters received—	
Sept. 15, 1913—July 1, 1914	3,366
July 1, 1914—July 1, 1915	14,280
July 1, 1915—July 1, 1916	13,743
July 1, 1916—July 1, 1917	22,238
July 1, 1917—May 1, 1918	6,909

Total letters received..... 50,536

Number of letters sent:	
Sept. 15, 1913—July 1, 1914	27,914
July 1, 1914—July 1, 1915—	
Typed	1,826
Form	41,000
July 1, 1915—July 1, 1916—	
Typed	3,902
Form	11,074
July 1, 1916—July 1, 1917—	
Typed	3,503
Form	66,075
July 1, 1917—May 1, 1918—	
Typed	4,357
Form	26,635

Total number of letters sent..... 186,286

CHILD-WELFARE WORK.

Of first importance is the effort to place in the hands of mothers material on the care and training of their children, especially the babies. The work began by securing names of cooperators from county superintendents. In 1913 there were sent in the names of 24,000 women; of these, 16,000, or 66 per cent of these women expressed themselves as willing to cooperate. Upon first request, 949 county superintendents responded with lists. At that time there were 2,700 county superintendents; 35 per cent answered. The second year 510 responded to a second request.

During the first year 10,500 mothers of children under 3 years of age received the bulletin on Care of the Baby.

During the first year the following requests were made:

- Bulletins on home matters.
- Literature for a population of Swedes, Cornish, German, Dutch, and Irish.
- Material to better the home.
- On home making and child nurture.
- Home study for boys and girls.
- Something to help them bring their children up right.
- Literature on moral training.
- Care of stock and homestead matters.
- Care of sick.
- Home courses of study for children.
- Books suitable to children who have completed common-school course.
- Literature on the beautifying of school inside and out.
- Helps for bringing together the home and school.
- Reading matter on plays and games.
- Literature on care and training of children.
- Outlines for programs of child study for child welfare.
- Literature for formation of parent-teacher associations where there is no church, no society of any kind.

PUBLICATIONS SENT OUT FOR CHILD-WELFARE WORK.

- Care of the Baby, Public Health Service.
- Save the Babies, American Medical Association.
- Care of the Baby, Normal and Industrial College, South Carolina.
- Duty of Parents in Regard to Sex, National Congress of Mothers and Parent-Teacher Associations.
- Care of the Baby in Hot Weather, National Congress of Mothers and Parent-Teacher Associations.
- Reprint chapter on Home Education, commissioner's annual report, 1916.
- Reading Course for Parents.
- Circular letter No. 1, 1916, Problem of the Boy and Girl in the Home.
- Circular letter No. 3, Problems of the Foreign Mother in the Home.
- How to Select Food.
- One Thousand Good Books for Children.

Statement of number of bulletins and publications sent.

Sept. 1, 1913—July 1, 1914 (Care of the Baby)	6,626
July 1, 1914—July 1, 1915	12,381
Reading courses	26,568
July 1, 1915—July, 1916	8,234
Reading courses	107,182
July 1, 1916—July 1, 1917	36,645
Reading courses	98,938
July 1, 1917—May 1, 1918	23,742
Reading courses	31,786

Total number of publications sent..... 352,102

HOME EDUCATION TOURS.

During the 1916 itinerary, three tours were made and meetings arranged by the division and three special collaborators visited one or more of the following cities: Leesburg, Fredericksburg, Danville, Bristol, and Abingdon, Va.; Asheville, Lincolnton, Wadesboro, and Greensboro, N. C.; Rock Hill, Florence, Columbia, Lancaster, and Charleston, S. C.; Au-

gusta, Savannah, Atlanta, Macon, Milledgeville, Dallas, Marietta, and Fair, Ga.; Tallahassee, Tampa, Miami, Eustis, Tavares, Avon Park, Clearwater, Clermont, St. Petersburg, Haines City, Montverde, Fort Pierce, and West Palm Beach, Fla.; Montgomery and Birmingham, Ala.; Columbus, Miss.; Chattanooga and Nashville, Tenn.

READING COURSES.

Ten reading courses have been issued. There is an enrollment of over 7,000 readers. One hundred and fifty-six have finished one or more courses and received the certificate. Several reprints of all the courses have been made. In the Cleveland High School 144 boys and girls have recently enrolled in the miscellaneous courses for boys and girls.

Reading circles have been formed and are alive, the most active of these is the Parents' Reading Circle, in Glendale, Cal.

Complete sets of reading courses have been sent to all libraries in the United States. Courses 1 and 2 were sent to all high schools.

In preparing these courses the following committees assisted: Courses 1, 2, 6, and 8, Prof. W. L. Phelps, Prof. C. Alphonso Smith, Prof. Charles F. Smith, and Prof. Richard Burton; course 10, Prof. W. H. Mace and Mrs. Wilbur F. Gordy, Franklin L. Riley, and William Starr Myers; courses 7 and 9, Miss Mary R. Parkman.

Preparation of test questions has been by one or more of these assistants, with the addition of Miss Lucy Wheelock and Miss Mabel Thomas.

PROMOTION OF CLOSER COOPERATION OF HOME AND SCHOOL.

How to Organize Parent-Teacher Associations, sent to 2,703 school districts, National Congress of Mothers and Parent-Teacher Associations.

How the Parent-Teacher Associations Helps the Home, the School, and the Community, Mrs. Higgins, National Congress of Mothers and Parent-Teacher Associations.

Suggestions for a program.

Circular letter No. 1, A Unique School Fair.

Keeping the Children in School.

Suggestions for War-time Activities of Parent-Teacher Associations. Circular letter No. 1, 1918, Suggestions for Leisure Hours of Children.

Circular letter No. 3, 1918, the Des Moines Plan of Parent-Teacher Association.

Aims and Purposes of Education.

Study of Parent-Teacher Associations now being made.

QUESTIONNAIRES AND ADDRESSOGRAPH LIST OF PARENT-TEACHER ASSOCIATIONS.

Ten questionnaires have been sent out, largely in the effort to get lists of organizations. This has been difficult. An addressograph list of associations has been made, including about 4,000.

Through cooperation of National Council of Defense another effort is being made to get complete lists of organizations.

PUBLICITY GIVEN TO THE WORK AND READING COURSES.

Through the bureau's agency, through periodicals, newspapers, State and local librarians, high schools and teachers.

COOPERATION OF STATE AND LOCAL LIBRARIES.

All States having State or travelling libraries have cooperated to the fullest extent by arrangement with the division to furnish books to readers when necessary. Every library in the United States has received sets of all the reading courses.

ACTIVITIES OF DIVISION NOT ALREADY MENTIONED.

Preparation of charts for Pan-Pacific Exposition, monthly reports submitted to the commissioner and Mrs. Schoff, annual statements, home-education chapter in report of commissioner each year.

RECORD OF COOPERATION BY STATES.

There are 7,008 readers enrolled in the national reading circle, 2,120 counties cooperating, 77,185 cooperators' names sent by superintendents, 82,115 school districts reached through these women, 69,320 mothers of children under 3 years of age reached, 4,025 women willing to try to organize parent-teacher associations, 2,703 "How to organize" sent to cooperators, and 69,320 "Care of the baby" sent.

RECORD OF READERS IN THE NATIONAL READING CIRCLE.

Alabama, 67; Alaska, 2; Arizona, 37; Arkansas, 72; California, 477; Canada, 41; Colorado, 125; Canal Zone, 4; Connecticut, 114; China, 1; Delaware, 16; District of Columbia, 115; Florida, 57; France, 1; Georgia, 120; Hawaii, 7; Idaho, 49; Illinois, 205; Indiana, 144; Iowa, 244; Kansas, 176; Kentucky, 88; Louisiana, 91; Maine, 76; Maryland, 104; Massachusetts, 413; Michigan, 122; Minnesota, 169; Mississippi, 68; Missouri, 275; Montana, 81; Nebraska, 172; New Hampshire, 23; New Jersey, 346; New Mexico, 29; New York, 720; North Carolina, 82; North Dakota, 51; Ohio, 440; Oklahoma, 89; Oregon, 286; Pennsylvania, 522; Philippine Islands, 5; Rhode Island, 23; Porto Rico, 8; South Carolina, 39; South Dakota, 29; Tennessee, 69; Texas, 175; Utah, 20; Vermont, 19; Virginia, 125; Washington, 112; West Virginia, 67; Wisconsin, 93; Wyoming, 16; Nevada, 0.

The Clerk read as follows:

For judges of circuit courts, at \$4,000 each, so much as may be necessary, for the fiscal year 1920.

Mr. TREADWAY. Mr. Chairman, I would like to inquire in reference to the judges of the circuit court of Hawaii why there is no number designated? It says, "at \$4,000 each, so much as may be necessary for the fiscal year 1920." It seems to me to be a very indefinite item. I recall on visiting the islands some year and a half ago meeting a very large number of very agreeable gentlemen who were judges. I was wondering whether the number was unlimited who can be designated to serve in the Island of Hawaii.

Mr. BYRNS of Tennessee. They are limited in number by law, but there is no specific amount named here by way of appropriation. I understand that those judges where they are holding court away from their usual place of residence are entitled possibly to some per diem in lieu of subsistence and traveling expenses and that, of course, is an indefinite amount, depending upon the length of the term of the court, and so forth.

Mr. TREADWAY. I do not see if, as the gentleman says, the number is specified by law, why it would not be perfectly feasible to state in the item here what the appropriation is to be. This is a very indefinite item, and there is nothing similar to it in the bill, as far as I have seen.

Mr. BYRNS of Tennessee. I am frank to say to the gentleman that I can not tell him why the number has never been designated. All I can say is that they never have been named as to number in the appropriation bill.

Mr. STAFFORD. If the gentleman will permit, is not the explanation to be found in the fact that the Legislature of the Territory of Hawaii has authority to determine the number of these circuit judges, and if the legislature provides an additional number, of course that burden is thrown upon our Government and has to be paid?

Mr. TREADWAY. Let me ask the gentleman from Wisconsin whether or not these judges are not Federal judges and nominated and chosen from here? In other words, the item at the bottom of page 107 designates that there shall be a chief justice, two associate justices, in all, \$28,000. That is a perfectly correct item. Then the next item reads:

For judges of circuit courts, at \$4,000 each, so much as may be necessary, for the fiscal year 1920.

Now, is not there some provision of law under which the number of these circuit judges is specified? They are certainly appointed from this country, because I met gentlemen from various sections of this country there serving as judges—ex-Members of Congress and others.

Mr. STAFFORD. Did the gentleman mean those designated in the paragraph at the bottom of page 107—chief justice and two associate justices? Did he mean them?

Mr. TREADWAY. I think I did.

Mr. STAFFORD. I am not certain, but are they nominated by the President?

Mr. BYRNS of Tennessee. They are.

Mr. TREADWAY. I think it will be found they are nominated from this country and are residents of this country and sent to Hawaii to serve, and therefore it seems to me perfectly proper, if that statement is correct, that the number should be designated in the bill and the item carried as a specific amount.

Mr. BYRNS of Tennessee. They are named by the President and they are required to have had a certain amount of residence in Hawaii before they are eligible for appointment.

Mr. TREADWAY. I beg to differ with the gentleman on that score, because I was there and had the pleasure of meeting some of them who had recently come from the mainland.

Mr. LONGWORTH. Will the gentleman yield?

Mr. TREADWAY. I will.

Mr. LONGWORTH. I happen to know there was a gentleman there, a resident of Hawaii, who held one position—

Mr. TREADWAY. That is true; but others came from here.

Mr. BYRNS of Tennessee. I know an assistant district attorney was appointed from this country and sent from here, and subsequently there was a vacancy in the position of circuit judge, and he became an applicant, and the question arose as to whether or not he had been there a sufficient length of time, and whether he had really taken up his permanent residence there during the time he had served as assistant district attorney.

Mr. TREADWAY. Mr. Chairman, in view of the uncertainty, does not the chairman think it is proper to pass this item over and make further inquiry of the department to see whether or not a specific amount can not be carried in the bill?

Mr. BYRNS of Tennessee. I am perfectly willing to pass it over in order to get the facts.

Mr. TREADWAY. It seems to me we ought to have a little more information.

Mr. BYRNS of Tennessee. Perhaps the gentleman from Illinois could furnish light on the subject.

Mr. MANN. Mr. Chairman, I do not know the reason why the number should not be specified if anybody knows the number of the circuit judges. I think about the only place we carry the provision "so much as may be necessary," as the amount is entirely uncertain, is we make an appropriation for the retired Federal judges in that language, "so much as may be necessary." The law fixes the pay but does not fix the number, and, as they are rather elderly gentlemen to the young men of the House, and some of them pass away during the year, it has never been the custom to fix a specific amount of appropriation. How this came about originally, as to this particular item to which the gentleman from Massachusetts referred, I do not know, but I assume there was some question as to the number of judges who would be paid out there, and, as the law fixes the pay and, I think, now fixes the number of

judges, it ought to be an easy matter to ascertain the amount, and, whichever way the appropriation is made, the amount that will be paid out will be the same.

Mr. TREADWAY. I think the suggestion of the chairman of the committee is advisable, that the matter be passed over for further information.

The CHAIRMAN. Without objection, it will be passed over without prejudice.

There was no objection.

The Clerk read as follows:

Office Postmaster General: Postmaster General, \$12,000; chief clerk, including \$500 as superintendent of buildings, \$4,000; private secretary, \$2,500; disbursing clerk, \$2,250; appointment clerk, assistant to chief clerk, confidential clerk to Postmaster General, and chairman board of inspection, at \$2,000 each; chief inspector, \$4,000; chief clerk to chief inspector, \$2,000; purchasing agent, \$4,000; chief clerk to purchasing agent, \$2,000; assistant attorneys—1 \$2,750, 1 \$2,500; 3 at \$2,000 each; bond examiner, \$2,500; law clerk, \$1,800; clerks—110 of class 4, 166 of class 3, 259 of class 2, 297 of class 1, 138 at \$1,000 each, 26 at \$900 each; skilled draftsmen—1 \$2,000, 3 at \$1,800 each, 8 at \$1,600 each, five at \$1,400 each, 7 at \$1,200 each; map mounter, \$1,200; assistant map mounter, \$1,000; blue printer, \$900; assistant blue printer, \$840; telegrapher, \$1,400; typewriter repairer, \$1,200; 3 telephone switchboard operators; 2 messengers in charge of mails, at \$900 each; 29 messengers; 32 assistant messengers; captain of the watch, \$1,200; additional to 3 watchmen acting as lieutenants of watchmen, at \$120 each; 34 watchmen; 2 engineers, at \$1,200 each; 9 assistant engineers, at \$1,000 each; 2 blacksmiths or steam fitters, at \$1,000 each; 3 oilers, at \$840 each; 15 firemen; 20 elevator conductors, at \$720 each; chief engineer, \$1,600; assistant electricians—2 at \$1,200 each, 3 at \$1,000 each; 2 dynamo tenders, at \$900 each; carpenters—1 \$1,400, 3 at \$1,000 each; awning maker, painter, and plumber, at \$1,000 each; assistant plumber, \$900; laborers—foreman \$900, assistant foreman \$840, 2 at \$840 each, 76 at \$720 each, 4 at \$660 each; female laborers—1 \$540, 3 at \$500 each, 8 at \$480 each; 58 charwomen; actual and necessary expenses of the purchasing agent while travelling on business of the department, \$500; in all, \$1,659,140.

Mr. WALSH. I would like to ask the chairman of the committee what is the need of the increase in the number of clerks here in the early part of this paragraph?

Mr. BYRNS of Tennessee. That represents an increase, I think, of about \$30,000.

Mr. WALSH. It is quite an increase in the number of clerks, I take it, in one or two of the items.

Mr. BYRNS of Tennessee. Increased work has fallen on that department.

Mr. WALSH. Is that department here in Washington?

Mr. BYRNS of Tennessee. Yes.

Mr. WALSH. Is that due to taking over the cables or telegraphs?

Mr. BYRNS of Tennessee. It has no relation to the cables. But there has been a great increase in the work of the department here. As a matter of fact, there may be some question as to whether or not the department was really justified in having reduced the number of its employees so largely heretofore. But owing to the activities of the war and other reasons the work of the department has increased, in the Dead Letter Office, for one thing.

Mr. WALSH. That is on account of the return of letters from abroad?

Mr. BYRNS of Tennessee. And then in the work incident to thrift stamps and other activities.

Mr. WALSH. That is the reason for giving them extra clerks now—

Mr. BYRNS of Tennessee. Extra clerks.

Mr. WALSH (continuing). That possibly it was not good judgment to have dispensed with heretofore?

Mr. BYRNS of Tennessee. I think it is entirely possible that they were not altogether wise in reducing their clerical force to the extent it has been reduced. Of course, the gentleman will understand they have reduced the expenses of this department for clerical services something over \$200,000, if my memory serves me correctly, and this only restores a small portion of the clerks that have been dropped heretofore.

Mr. WALSH. To the detriment of the service.

Mr. JUUL. Mr. Chairman, I desire to ask the chairman of the committee what is the duty of the captain of the watch, and lieutenants, and 34 watchmen? Where are they placed and what are they doing?

Mr. BYRNS of Tennessee. They are here in the Post Office Department Building, on Pennsylvania Avenue, and also in this general supply depot. I take it that some of them are located there, but largely they are in the main department building on Pennsylvania Avenue. They serve in three shifts.

Mr. JUUL. The gentleman thinks that 34 of them are not too many?

Mr. BYRNS of Tennessee. No; they are not. The gentleman will understand that these watchmen serve in three shifts, a watchman on duty all the time during the 24 hours, and it is necessary to maintain three shifts for that purpose.

Mr. JUUL. That is what I wanted to know.

The Clerk read as follows:

For publication of copies of the Official Postal Guide, \$33,000; and the amounts received during the fiscal year 1920 from sales of the Official Postal Guide to the public may be used as a further appropriation for the publication of copies of such guide.

Mr. WALSH and Mr. STEENERSON rose.

Mr. STEENERSON. I was not going to inquire about that paragraph, but about the next one.

Mr. WALSH. I move to strike out the last word for the purpose of making an inquiry of the chairman of the committee as to why the Official Postal Guide is published in other than the Government Printing Office.

Mr. STAFFORD. Perhaps I might be able to give the gentleman the information by reason of my service on the Committee on the Post Office and Post Roads. For years the Official Postal Guide was printed under contract by a printer at Albany, N. Y.—Lyon by name, I believe. The Government had a very favorable contract with the printer, but the printer recouped himself for the very low price at which he furnished the guides for the use of the Government by the high price he charged the public. So the Postmaster General two or three years ago came before the Committee on the Post Office and Post Roads and asked that he be privileged to sell these guides to the public. As a result the public, instead of paying two or three dollars for the guides, are now receiving them for a much less amount—a little more than a dollar, I think. It is a relic of the old system of letting contracts for printing to outside agencies.

Mr. WALSH. Does the gentleman know whether or not the Government Printing Office is equipped to publish this guide?

Mr. STAFFORD. There is no question whatsoever that the Government Printing Office has the machinery to print it, but it is something more than that. The publisher, as I understand it, compiles the various data and also publishes throughout the year a monthly supplement, which at the end of the year is compiled into the next yearly Official Guide.

Mr. WALSH. I understood so. The inquiry I made was as to why it was published by an outside firm, a private establishment, instead of being published in the Government Printing Office.

Mr. STAFFORD. Just like the Gulf Stream. It got started that way and kept on going, and nothing has ever interfered to check the practice, so far as legislation is concerned.

Mr. WALSH. Does the gentleman know from his experience whether the Government is paying more than it would cost to publish this in the Government Printing Office?

Mr. STAFFORD. I would say the Government is paying much less, according to the testimony, as I recall it, of the Postmaster General before the Committee on the Post Office and Post Roads—much less.

Mr. WALSH. It is having published by outside publishers a public document which is costing the Government less than if it were printed in the Government Printing Office?

Mr. STAFFORD. That was the testimony before the Committee on the Post Office and Post Roads when this question was under consideration some years ago, when this new method of disposition to the public was decided upon.

Mr. WALSH. Does the gentleman know how many of these guides are available for free distribution under this arrangement?

Mr. STAFFORD. The Post Office Department receives so many copies, which are distributed one to every postmaster in the country, and also copies for distribution to the executive departments and their various agencies. But there are none, as I recall, for free distribution to the public. They are on sale to the public at the price of a little over a dollar.

Mr. WALSH. I want to thank the gentleman for the information.

The CHAIRMAN. The pro forma amendment will be withdrawn. The Clerk will read.

The Clerk read as follows:

For reimbursement of the Government Printing Office for the cost of furnishing steam for heating and electric current for lighting and power to the Post Office Department Building at Massachusetts Avenue and North Capitol Street, District of Columbia, \$40,000, or so much thereof as may be necessary.

Mr. STEENERSON. Mr. Chairman, I reserve a point of order on that. I want to inquire of the gentleman in charge of the bill why that item is in this bill?

Mr. BYRNS of Tennessee. For this reason, I will say to the gentleman: The Government Printing Office has been furnishing the heat and light to the city post office up here near the Union Station, and no charge has been made on the Post Office Department for the expense so incurred. The Government Printing

Office now insists that they ought to have some pay for this extra expense, and it is estimated to be about \$40,000.

Mr. STEENERSON. But the post office of the city of Washington is a part of the Postal Service just as much as is the post office in Chicago, and the expense of lighting that post office is a part of the expense of the Postal Service generally. It is not a departmental expense. As I understand it, it is just as chargeable to the postal revenues as the expense of heating post offices in any other city, and therefore it ought to be appropriated for by the Committee on the Post Office and Post Roads.

Mr. STAFFORD. Does the gentleman maintain that the cost of maintenance, heating, and lighting of our Government buildings throughout the country is chargeable and paid out of the postal revenues of the Government?

Mr. STEENERSON. I believe it is as to most of them.

Mr. STAFFORD. Oh, no.

Mr. STEENERSON. We make an appropriation for the small offices, I know.

Mr. STAFFORD. We do not provide for the heating and lighting of any Government-owned building out of the postal revenues, but we do make an appropriation, such as I believe the gentleman from Minnesota refers to, for heating and lighting the smaller offices of the country, where they are in rented quarters.

Mr. STEENERSON. The gentleman is mistaken that they do not include some Government buildings, because that appropriation for rent and fuel and light is applicable to the second and third class post offices.

Mr. STAFFORD. Yes; where the offices are not in Government buildings, because, as the gentleman will find when he investigates, that item of appropriation is an allowance to the postmaster. It is not based at all on audited bills as to the amount of expenditures for light and heat. In fact, that appropriation, as the gentleman will recall, limits the amount that can be paid to any post office of the smaller class.

Now, the fact is, Mr. Chairman, the maintenance, heat, and light of all our Government-owned buildings is carried in the sundry civil appropriation bill. Here in the District of Columbia, where we had a joint post-office building and a department building, like the one that is down on Pennsylvania Avenue, the upkeep of that building is carried in this legislative appropriation bill, because it is a departmental building. So far as the new city post office is concerned, to which this item refers, it is not only a building for field purposes but also for departmental activities. It is a building used for combined field activity and departmental activity. But regardless of whether or not it is exclusively used for departmental purposes or for purposes of a field character, nevertheless the pay for the upkeep would have to come from the appropriations reported from the Committee on Appropriations. They are carried either in the sundry civil bill or in the legislative bill.

Mr. STEENERSON. The point I make is that it does not belong in this legislative bill.

Mr. STAFFORD. I am very glad to have the gentleman's later thought, but it does belong in this bill. It is rather late for the gentleman to make a point of order at this stage.

Mr. STEENERSON. I said I reserved a point of order.

Mr. STAFFORD. It is as pertinent to be carried in this bill as is the appropriation providing for the upkeep, maintenance, and heating and lighting of the Post Office Building on Pennsylvania Avenue, inasmuch as it is used for both postal and departmental purposes.

Mr. STEENERSON. I would say to the gentleman that it is my understanding that this is the city post office, and the department building is located down on Pennsylvania Avenue. I was unaware, until the gentleman from Wisconsin enlightened me, that this new building that was built for use as a city post office was used in any degree for departmental post-office purposes. I am surprised to hear that it is used in part for departmental purposes. I have not been down there for some time, and I did not know it.

Mr. STAFFORD. There are some divisions of the Railway Mail Service that are housed there which were formerly housed in the building on Pennsylvania Avenue.

Mr. STEENERSON. I formally stated I had reserved a point of order. Is that correct, Mr. Chairman?

The CHAIRMAN. The Chair did not understand that the gentleman reserved a point of order.

Mr. STEENERSON. Well, I simply wanted the information that the gentleman from Wisconsin has so generously contributed; and it seems to me, notwithstanding that information, the item ought not to be in this bill. We can not understand what the expense of keeping up our public buildings is when that expense is scattered in all these bills.

Mr. BYRNS of Tennessee. Suppose the gentleman is correct. I do not concede that for a moment. But suppose the gentleman is correct and we do not make this appropriation here and the Government Printing Office should stop furnishing heat and light to the city post-office building, what would happen?

Mr. STEENERSON. That would be a very cold and dark situation.

Mr. STAFFORD. We would have to use matches, as we did here the other night, and adjourn and stop business when the lights went out.

Mr. STEENERSON. I do not care anything about it, but I do not think it is properly in this bill. I do not think it ought to be here.

The CHAIRMAN. The pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

Office of the Secretary: Secretary of Commerce, \$12,000; Assistant Secretary, \$5,000; assistant to the Secretary, \$2,750; private secretary to the Secretary, \$2,500; confidential clerk to the Secretary, \$1,800; private secretary to Assistant Secretary, \$2,100; chief clerk and superintendent, \$3,000; disbursing clerk, \$3,000; chiefs of divisions—appointments \$2,500, publications \$2,500, supplies \$2,100; assistant chief, division of publications, \$2,000; clerks—10 of class 4, 9 of class 3, 13 of class 2, 20 of class 1, 14 at \$1,000 each, 13 at \$900 each; 2 telephone operators, at \$720 each; messenger to the Secretary, \$1,000; 5 messengers; 5 assistant messengers; 9 messenger boys, at \$480 each; chief engineer and electrician, \$1,400; assistant engineer, \$1,000; skilled laborers—1, \$1,000; 1, \$900; 2 at \$840 each; 5 at \$720 each; 3 elevator conductors, at \$720 each; 3 firemen; 16 laborers; cabinetmaker, \$1,200; carpenter, \$900; chief watchman, \$900; 9 watchmen; 25 charwomen; in all, \$196,050.

Mr. WALSH. Mr. Chairman, I reserve a point of order on the paragraph. I notice that this provides for a Secretary, an Assistant Secretary, an assistant to the Secretary, a private secretary to the Secretary, a confidential clerk to the Secretary, a private secretary to the Assistant Secretary, and a messenger to the Secretary. This assistant to the Secretary seems to be a new position. What authority of law is there for that?

Mr. BYRNS of Tennessee. The gentleman knows that the Secretary of Commerce is a very busy man.

Mr. WALSH. If he is going to have many more assistants he will have to be a pretty busy man.

Mr. BYRNS of Tennessee. He submitted an estimate for an assistant at \$2,500. The committee heard him very fully on the subject, and became convinced that he ought to have an assistant, and recommended an assistant's place at \$2,750. This is to assist him in taking care of the work of the office and permitting him to give less attention to certain details that can be attended to by an assistant, so that he may give more of his attention to some of the larger matters which pertain to the office of the Secretary of Commerce.

Mr. WALSH. I know; but the Secretary of the Navy is a very busy man, and the Secretary of Agriculture is a very busy man.

Mr. BYRNS of Tennessee. The gentleman will find that he has quite a number of assistants, too.

Mr. WALSH. Who?

Mr. BYRNS of Tennessee. The Secretary of Agriculture.

Mr. WALSH. Yes; we provided for those by special legislation.

Mr. BYRNS of Tennessee. And the Secretary of the Navy has quite a number of assistants.

Mr. WALSH. Yes; he is given an Assistant Secretary and a private secretary, but apparently he has not a messenger. The Secretary of the Interior has an Assistant Secretary and a First Assistant Secretary. Now, the Secretary of Commerce is, as the gentleman says, a very busy man. He has many important bureaus under his jurisdiction; but in view of the sort of retrenchment that is pleasant to talk about sometimes, and to read about, it seems to me, unless there is some further reason than the gentleman has given for the necessity to create this position, that the Assistant Secretary, the private secretary to the Secretary, the confidential clerk to the Secretary, and the private secretary to the Assistant Secretary ought to be sufficient.

Mr. BYRNS of Tennessee. Let me read to the gentleman what the Secretary of Commerce had to say on this subject, because, of course, he can present his reasons much better than I can.

Mr. WALSH. I shall be glad to have the gentleman read it again. I have glanced over it.

Mr. BYRNS of Tennessee. Before I do that, the gentleman referred to the Secretary of the Interior. The Secretary of the Interior has a First Assistant and an Assistant Secretary.

Mr. WALSH. Yes.

Mr. BYRNS of Tennessee. There is only one Assistant Secretary in the Department of Commerce. Here is what the Secretary of Commerce had to say:

I think you must be aware, Mr. Chairman, that the pressure of work which has been on the War, Navy, and Treasury Departments is now falling on us. It is coming upon us so hard that I am obliged to keep four stenographers busy myself with my own personal mail. The assistant to the secretary, who is mentioned in the second line, is already at work, and has been at work for months. He was borrowed because we had no appropriation for him, and we were overwhelmed with work. We are pressed now beyond our power, and the work is getting greater all the time. With the aid of four or five assistants this morning I have had to still leave two-thirds of my mail untouched. I can only say that this assistant is to-day at work, borrowed from the Bureau of Foreign and Domestic Commerce, and he is most urgently required with the increasing and growing demand for his services. I do not know what I could do without him. In fact, I can not do the work without him at all. As to the clerical force, I may say that my force is working every night until 6 o'clock. I rarely leave my own office before that time, and I frequently have to carry my papers home with me in order to read them.

There are papers now on my desk at home that I have not been able to read at all. If I am called out of town I esteem it a blessing, since it affords me an opportunity to catch up with the reading of papers.

So I think, and the committee thought, that in view of the extra amount of work devolving upon the Secretary of Commerce, he ought to have an assistant to look after the details of his office and assist him with some of his correspondence.

Mr. WALSH. Still further reserving the point of order, did the committee make any inquiry as to the nature of this extra work that is piling in on the Department of Commerce at this particular time?

Mr. BYRNS of Tennessee. It is work that comes through the Bureau of Standards and work that comes through the Bureau of Foreign and Domestic Commerce. Then, again, during the next two or three years we are going to be taking the census.

Mr. WALSH. And we are going to make an appropriation for that, are we not?

Mr. BYRNS of Tennessee. Yes; but that will require a good deal of the time and attention of the Secretary of Commerce, because he is at the head of that department, and in the end is responsible for the taking of the census, although, of course, the work will be done by the Director of the Census. So that will increase his work necessarily to some extent. Then, of course, the gentleman knows that the Bureau of Foreign and Domestic Commerce is spreading out, and there is quite an increased appropriation carried in this bill for that bureau. Then the Bureau of Standards has increased wonderfully in the last few years.

Mr. WALSH. That increase of late years has been due very much to war activities.

Mr. BYRNS of Tennessee. A great deal of this activity has been in connection with the War and Navy Departments, but not altogether confined to that, I will say to the gentleman.

Mr. WALSH. I know the present Secretary of Commerce is a very competent, efficient, and hard-working official, and that he probably would not make this recommendation unless he felt that the efficiency of his department would be affected by the absence of an extra assistant. Having that knowledge, and being persuaded by the convincing statement of the gentleman from Tennessee, I will withdraw the point of order.

The CHAIRMAN. The point of order is withdrawn, and the Clerk will read.

The Clerk read as follows:

Bureau of Census: For salaries and necessary expenses for preparing for, taking, compiling, and publishing the Fourteenth Census of the United States; for rent of office quarters outside the District of Columbia, alterations and repairs to buildings, construction of fireproof vaults, and for carrying on during the decennial census period all other work authorized and directed by law, including purchase, construction, and repair of card-punching, card-sorting, and card-tabulating machinery; experimental work in developing, improving, and constructing an integrating counter for use in statistical work; repairs to such machinery and other mechanical appliances; technical and mechanical services in connection therewith, and purchase, rental, construction, repair, and exchange of equipment and mechanical appliances; and including personal services in the District of Columbia and in the field, \$15,000,000, to continue available until June 30, 1922: *Provided*, That the Secretary of Commerce is authorized, in his discretion, to suspend during the decennial census period such work of the Census Office, other than the Fourteenth Census, as he may deem advisable.

Mr. WALSH. Mr. Chairman, I reserve the point of order on the paragraph, and I think I shall make it. I do not quite understand why this provision should have been incorporated in this bill, striking out the personnel that has been heretofore carried in the legislative bill, and appropriating a lump sum, particularly when the legislation for the Fourteenth Census has just been sent to conference by the other branch of the Congress to-day.

Mr. BYRNS of Tennessee. Mr. Chairman, I do not think the point of order is well taken, because there is a law now on the statute books authorizing the taking of the census. The law passed 10 years ago provided for the taking of that census and of subsequent censuses.

Mr. WALSH. That is true; but there is no law on the statute books authorizing the wiping out of this personnel that

has been fixed by law and has been heretofore carried in the legislative bill, and appropriating a lump sum in this language, permitting the expenditure in this manner.

Mr. BYRNS of Tennessee. This does not undertake to eliminate the permanent force of the Census Bureau. I will say to the gentleman that in making this recommendation the committee has followed the course pursued 10 years ago, when \$10,000,000 was appropriated in a lump sum, out of which the permanent employees were to be paid and also the temporary employees.

Mr. WALSH. I think the gentleman will find that 10 years ago the legislation was carried in the bill after the census bill proper had been enacted.

Mr. BYRNS of Tennessee. I am not so certain about that; but if that be true, it was probably due to the fact that perhaps there was no law at that time authorizing it. As I said to the gentleman, there is a law now on the statute books which not only authorizes the taking of the census but absolutely requires it.

Mr. WALSH. If that is so, what is the need of passing this Fourteenth Decennial Census bill that we spent days on and which has just passed the other body and has been by it sent to conference? If there is a law, what was the necessity of our passing another law?

Mr. BYRNS of Tennessee. I am not able to advise the gentleman, particularly as I am not on the Census Committee, but I take it that it was for the purpose of adding other activities.

Mr. WALSH. That could be done by amending the other law instead of passing a new census law in toto. If this paragraph is enacted and substituted in the legislative bill for the language carried last year, will the gentleman state what will become of the Director of the Census at \$6,000 a year, 5 chief statisticians, and 20 clerks of class 4, and so forth.

Mr. BYRNS of Tennessee. If the bill now pending in conference—

Mr. FOSTER. It has not been sent to conference.

Mr. WALSH. The Senate has asked for a conference.

Mr. BYRNS of Tennessee. If that bill does not pass, then the Director of the Census would get \$7,000 instead of \$6,000 under the law that is now on the statute books, which provides that the Director of the Census shall receive \$7,000, the private secretary to the director, \$2,250, the assistant director, \$5,000, the chief statisticians \$3,000 each, the chief clerk \$2,500, and so on. Of course when the bill that recently passed the Senate becomes a law it will supersede this, and I do not recall just what the salaries fixed in that are. I think the House fixed the same salary for the Director of the Census in that bill.

Mr. WALSH. Yes; we increased his salary.

Mr. BYRNS of Tennessee. No; we did not increase it; we left it at just what it was 10 years ago.

Mr. WALSH. But the gentleman will remember that the bill which has recently been passed by the other branch and on which they have asked for a conference was a bill providing for the Fourteenth Decennial Census, outlining the topics which should be included in that census. This is the permanent establishment that the legislative bill provides for—for the work of the bureau—when they are not engaged in the decennial census, and you are substituting a lump sum of \$15,000,000 in the legislative bill for the personnel of a bureau which is now included in another bill, providing for the Fourteenth Decennial Census, which is not yet a law, and you are leaving the personnel, provided for in the last year's legislative bill, out of the question entirely, the number of clerks, and so forth, substituting something that is not authorized by law, because we have not yet passed the bill.

Mr. BYRNS of Tennessee. I beg the gentleman's pardon, it is authorized by law.

Mr. WALSH. I can not agree with the gentleman. There is no legislation authorizing the taking of the Fourteenth Decennial Census and authorizing the technical and mechanical services in connection therewith, the exchange of equipment, the construction of fireproof vaults, and for the repair of card-punching, card-sorting, card-tabulating machinery, experimental work, repairs to such machinery, and personal services in the District of Columbia and in the field. The law for the Thirteenth Census simply required that at the end of 10 years another census should be taken, but it did not restrict that department to the method or to the personnel used 10 years ago. We have provided for that in the bill which passed here weeks ago.

Mr. ASWELL. The Constitution requires it.

Mr. WALSH. The gentleman suggests that the Constitution requires it. Of course the Constitution requires it, but the Constitution does not provide for a director at \$7,000 a year.

The Constitution merely requires that the Congress shall enact legislation under which a census can be taken, and we are engaged upon that now, and yet when that legislation has not been enacted you wipe out the personnel of this office that has been carried in the legislative bill for years and substitute for that a lump-sum appropriation of \$15,000,000, carrying various other authorizations.

Mr. BYRNS of Tennessee. The act of July 2, 1909, which I hold in my hand, provides that a census of the population, agriculture, manufacture, mines, and quarries of the United States shall be taken by the Director of the Census in the year 1910 and every 10 years thereafter. That is clearly authority for making the appropriation.

Mr. WALSH. It is not authority for building fireproof vaults and the other things contained in this paragraph.

Mr. STAFFORD. The gentleman will recall that in the committee I had difficulty in understanding the position taken by the chairman that if we voted this lump-sum appropriation that would not supersede the statutory roll that is provided under existing law. I have not been able to become convinced that if we appropriate a fund of \$15,000,000 for taking the decennial census the statutory roll will not virtually be obliterated and that the Director of the Census will not have the privilege of placing in the various classes of clerks all whom he may see fit to appoint.

Mr. WALSH. At any salary.

Mr. STAFFORD. And at any salary. I really think if this provision is going to be retained we should provide the statutory roll as it exists in the present law and then provide the additional amount for the Fourteenth Decennial Census, otherwise there will be no statutory roll at the conclusion of the decennial period. I know that it is the purpose of the chairman to retain the present statutory roll, and if we wipe it out in this bill, as we do by making this lump-sum appropriation, there will be no statutory roll at the end of the present fiscal year.

Mr. BYRNS of Tennessee. Why, the gentleman knows that exactly this form of appropriation was made 10 years ago.

Mr. STAFFORD. By a separate act independent of the legislative, executive, and judicial appropriation bill.

Mr. BYRNS of Tennessee. The same act I hold in my hand, the same act obtains in reference to this census as the other.

Mr. STAFFORD. If the gentleman will permit, the legislative, executive, and judicial appropriation bill carried a statutory roll then. That act was supplemental to it and had to be taken in conjunction with it. That was a special act passed June 29, 1909, which provided for an appropriation of \$10,000,000. I am in sympathy with the idea of appropriating a lump sum at the present time, but I do not think it is necessary, if we are going to retain the present statutory roll, to provide it in this bill, otherwise it is wiped out.

Mr. BYRNS of Tennessee. I differ with the gentleman in that respect. As a matter of fact I think that it was the desire of the committee that this special work that is being done by the census should be eliminated as far as possible during the decennial period and that those on the permanent roll should be employed in the conduct of the census.

Mr. STAFFORD. That was the idea; I was strongly in favor of that position.

Mr. BYRNS of Tennessee. And it seems now—

Mr. STAFFORD. But I do not believe that provision for these clerks should be abolished, and we are abolishing them now if we appropriate the lump sum for that purpose.

Mr. BYRNS of Tennessee. I submit to the gentleman they are not abolished by any means.

Mr. WALSH. Where is there any law continuing—where will there be any law continuing—these?

Mr. BYRNS of Tennessee. The law to which I have just referred.

Mr. WALSH. That does not set out any roll.

Mr. BYRNS of Tennessee. It says in addition to the force employed in the Census Office there shall be certain positions and then sets out those positions. Now, that is the law that is now on the statute books, and it will be the law until it is superseded or repealed by some other law. That law says that in addition to the force now employed in the Census Office there shall be the following additional positions.

Mr. WALSH. Yes; but if the gentleman will make inquiry will not he find that the—

Mr. ASWELL. Will the gentleman yield—

Mr. WALSH. Will the gentleman permit me to finish this question—that law of 10 years ago was passed before the act requiring these additional employees was passed.

Mr. BYRNS of Tennessee. I beg the gentleman's pardon.

Mr. WALSH. Was not the legislative, executive, and judicial bill of 10 years ago passed before the census bill was passed,

and did not the legislative bill of 10 years ago carry substantially this very paragraph which was in the legislative bill of last year but which is eliminated this year? It carried the statutory roll, but we passed the census bill and said in addition to the employees on the statutory roll contained in the legislative bill which was passed they should have these other employees and we appropriated \$10,000,000 in a lump sum. Now, you are trying to pass the legislative bill first, as I think it ought to be, and I submit that we ought to carry the statutory roll, and then in passing the census bill it will say in addition to those carried in the legislative, executive, and judicial bill these other employees shall be—

Mr. BYRNS of Tennessee. Here is the effect of the gentleman's contention. If we were to do that—

Mr. WALSH. That is what we did 10 years ago.

Mr. BYRNS of Tennessee. What we are trying to do here by making this lump-sum appropriation is to get a force for the Director of the Census which will be mobile or elastic.

Mr. WALSH. That should be done in the census bill.

Mr. BYRNS of Tennessee. So that he can devote the services of those employed thereunder to the activities that he thinks most important. Now, if we undertake here to carry a force on our permanent roll and then to make a lump-sum appropriation, gentlemen will find that a great deal of work will be done in the Census Bureau in the next few years that might be eliminated while we are taking this census—

Mr. WALSH. No; that is the very thing—

Mr. ASWELL. Will the gentleman yield?

Mr. WALSH. I will.

Mr. ASWELL. Does the gentleman believe that it is clear that this bill provides for the decennial period only, and when that period expires the permanent law takes up the permanent roll again?

Mr. WALSH. The decennial period never expires. They will be working on the Fourteenth Census 15 years after we take it.

Mr. ASWELL. I call attention to this suggestion, too: If you include the roll as it has passed this House and the other branch already you would have to increase the appropriation \$20,500,000 instead of \$15,000,000.

Mr. WALSH. I appreciate the point the gentleman from Louisiana [Mr. ASWELL] makes, and I know he has given a great deal of thought to this matter, because the census bill came out of his committee and he had charge of it when it was under consideration here a month ago. But I would like to ask the gentleman from Tennessee [Mr. BYRNS] how matters would be complicated, and if they would not be in a way safeguarded if we inserted the paragraph in the legislative bill of last year in here under the Bureau of the Census and then followed it up by this language to which I am reserving the point of order?

Mr. BYRNS of Tennessee. I will say to the gentleman that I can not see the necessity of appropriating for the permanent roll specifically, and I am fearful if that was done there might be work that would be done in the Census Bureau during the next fiscal year that could very properly be eliminated and the entire force put upon this census work, so as to get results as quickly as possible. And certainly, in view of the act I have referred to and the additional act of March 6, 1902, which I hold in my hand, there can be no necessity for it.

Mr. WALSH. But if the gentleman will look at the legislative, executive, and judicial appropriation bill for 1909, the year the last census bill was passed, he will find, I think, that it carried the statutory roll.

Mr. STAFFORD. Will the gentleman yield?

Mr. BYRNS of Tennessee. But I want to direct the gentleman's attention to the fact that the language of the provision carrying the lump-sum appropriation of \$15,000,000 carries a proviso that they shall not do any other work except as connected with the Fourteenth Decennial Census. So, if you incorporate the statutory roll there and then follow it up by this language you will see that they could not do extraneous work.

Mr. STAFFORD. Will the gentleman permit me, so that I may correct an error?

Mr. BYRNS of Tennessee. Yes.

Mr. STAFFORD. I think the chairman of the committee is correct in the position he took in the subcommittee that the statutory roll would remain intact at the end of the decennial period as it exists in the present legislative bill. Since I first took the floor I have sent for a copy of the bill as it passed the House. I wish to direct the attention of the committee to the following language, which rather corroborates that position.

Mr. WALSH. Before the gentleman proceeds, what would happen if we passed this and the bill the gentleman has in his

hands fails and does not get out of conference? Where would you be then?

Mr. STAFFORD. Then the census would be taken under the act of 1909, providing for the last decennial census.

Mr. WALSH. Where would the statutory roll be?

Mr. STAFFORD. The statutory roll would be in the same position at the end of the decennial period as far as the bill is concerned that is pending at present in the two Houses, there is no question. May I read it?

Sec. 3. That during the decennial census period, and no longer, there may be employed in the Census Office, in addition to the force provided for by the legislative, executive, and judicial appropriation act for the fiscal year immediately preceding the decennial census, an assistant director.

It enumerates certain employees. Section 6 has this language:

That in addition to the force hereinbefore provided for and to that authorized by the legislative, executive, and judicial appropriation act for the fiscal year immediately preceding the decennial census period, there may be employed in the Census Office during the decennial census period, and no longer, as many clerks with salaries at the rates of \$1,500—

And so forth.

Mr. WALSH. Does the gentleman know if that is in the bill the conference on which has been asked for?

Mr. STAFFORD. I have only a copy of the bill as it was reported to the Senate.

Mr. BYRNS of Tennessee. That provision will not be in conference, because there was no change made in that by the Senate.

The CHAIRMAN. The Chair sends to the gentleman a copy of the act under which the last census was taken. It might clear this matter up.

Mr. BYRNS of Tennessee. I will say to the gentleman that we are following exactly the practice that was followed 10 years ago. There is absolutely no difference in what this bill proposes to do and what was done 10 years ago.

Mr. WALSH. Ten years ago it was not carried in the legislative, executive, and judicial bill.

Mr. BYRNS of Tennessee. It was in a bill presented by the Appropriations Committee in a special act, dated June 29, after the legislative bill had probably been prepared. It was carried the next year, and the next year, in the legislative bill. The first act was passed in the Sixty-first Congress and was approved June 20, 1909, and it was a separate act, and was not a substitute for the statutory roll. The legislative, executive, and judicial appropriation bill for that year carried the employees, specifying the salaries and number of clerks, and so forth.

Mr. WALSH. Has the gentleman any objection to passing this paragraph over temporarily?

Mr. BYRNS of Tennessee. There was nothing in the legislative bill providing for the permanent roll for 1910.

Mr. WALSH. No; but it carried the usual number of employees specified, as it had for several years previous. Will the gentleman have any objection to passing this paragraph temporarily?

Mr. BYRNS of Tennessee. Well, I am willing to let it go if we can read the bill and get along some.

The CHAIRMAN. Without objection, this paragraph will be passed over temporarily. The Clerk will read.

The Clerk read as follows:

For all necessary expenses, including field investigations in the United States and abroad, purchase of documents, plans, specifications, manuscripts, and all other publications for the promotion of the commercial interests of the United States, exchange on official checks, and rent outside the District of Columbia, to further promote and develop the foreign and domestic commerce of the United States, \$325,000, to be expended under the direction of the Secretary of Commerce: *Provided*, That not more than \$50,000 of the foregoing sum shall be used for the expenses of branch offices: *Provided further*, That all moneys hereafter received by the Bureau of Foreign and Domestic Commerce in payment of photographic and other mechanical reproduction of special statistical compilations from its records shall be covered into the Treasury as a miscellaneous receipt.

Mr. WALSH. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the committee why this large increase in this item? It is \$150,000 or \$200,000.

Mr. BYRNS of Tennessee. That increase was recommended by the committee because the committee feels that there is absolutely nothing more important confronting the United States at this time than the extension of its foreign and domestic commerce. We felt that that was really a very slight increase when you take into consideration just what the conditions are at the present time and the necessity and importance of this Government doing just what other countries are doing.

Mr. WALSH. I agree thoroughly with the gentleman; and if that is the purpose of it I submit that it is not a sufficiently large increase. I am going to withdraw my pro forma amendment and move to strike out "\$325,000" and insert "\$500,000."

Mr. BYRNS of Tennessee. That is more than the Secretary of Commerce asked for.

Mr. WALSH. Then I will make it \$400,000.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WALSH: Page 119, line 4, strike out "\$325,000" and insert "\$400,000."

Mr. WALSH. Mr. Chairman, as the gentleman from Tennessee has indicated, the purpose of this appropriation is to seek to increase our foreign trade and to develop new markets, something which every one of the belligerent nations, I think, without exception, has already undertaken, and vast strides are being made on the part of France and Great Britain especially to develop markets in parts of the world where heretofore they have not had a very large commerce, although there are very few places where one of those nations has not heretofore had its agents.

Now, I submit that to increase this amount to half a million dollars, or to \$400,000, the director having asked for \$435,000, would not be money ill spent, and in the face of the cry for retrenchment it would be a wise thing to increase that appropriation, and to that extent hold out some encouragement to the business interests of the country that when peace comes we shall have made investigations and studies and surveys of the situations abroad whereby our industries and these men who are coming back to take part in the work of production may find markets for their goods and products. I trust you gentlemen will accept this slight increase of \$75,000 which I offered as an amendment.

Mr. BYRNS of Tennessee. Mr. Chairman, I certainly concur with the gentleman as to the very great importance of this work, but I want to call the attention of the gentleman and also of the committee to the fact that we have increased the appropriation for this bureau possibly more by way of comparison than any other bureau in the Government. In other words, for the current year this bureau has had an appropriation of \$554,120. We have recommended in this bill \$910,510, or an increase of more than \$376,000.

That is a very substantial increase, and I think it evidences the interest of the committee and of the House and their desire to see everything done that is possible to promote and develop our foreign commerce. This in itself is an increase from \$125,000 to \$325,000, or an increase of \$200,000, a great deal more than double what this particular appropriation has been during the past. And the gentleman will observe that there are other appropriations in the bill for use by this Bureau of Foreign and Domestic Commerce. They have money for the Orient; they have money for South and Central America, and then they have commercial attachés.

Mr. WALSH. Yes. Will the gentleman yield?

Mr. BYRNS of Tennessee. I yield.

Mr. WALSH. Of course, the gentleman will admit that we could do more work and derive more benefit from the expenditure of \$400,000 than we could from the expenditure of \$125,000. This is not confined to the Orient or to South America, evidently, because those two places are mentioned in other paragraphs of the bill. This fund would be used in seeking information in other sections of the globe.

Now, it would seem to me, in view of conditions as we hope they may be after peace shall have come, that Congress ought at this time to say to the Nation: "We want to give you all the information we can get within reasonable bounds, and we are willing to appropriate generously for procuring information whereby we can provide means of stimulating our business and commercial activities and whereby we can furnish to the people who are producing things and who are going to make use of this vast merchant marine which we hope to have information as to what ports that merchant marine shall go to and carry the goods and engage in the commerce with parts of the world in which now the commercial interests of the United States are strangers." I trust the gentleman will see that \$75,000 is not an extravagant increase in the appropriation.

Mr. STAFFORD. Mr. Chairman, will the gentleman permit an interruption?

Mr. WALSH. I yield to the gentleman.

Mr. STAFFORD. The estimate for this item is \$435,000. Out of this item are paid eight district offices in this country which disseminate the information to be collected from the commercial agents who are traveling in foreign countries and from the commercial attachés. It was the intention and purpose of the Secretary of Commerce to establish 15 additional local offices in this country. We thought that there was no pressing need for the establishment of merely paid agencies in 15 cities additional to those already established at the principal commercial centers,

and accordingly we placed a limitation on the expenditure of \$50,000 that could be used in this country for the existing agencies. If we had provided for the establishment of these 15 agencies it would have required, perhaps, an appropriation of maybe \$100,000 additional; but we have granted virtually the estimate of the Secretary of Commerce, as far as activities in foreign countries are concerned, by granting this appropriation of \$325,000, when we placed that limitation of \$50,000 that could be expended in this country for the maintenance of branch agencies. We have granted the department virtually every cent it asked for its activities in foreign fields. We did not grant the estimate for the establishment of 15 branch offices to be located throughout the country.

Mr. WALSH. Mr. Chairman, will the gentleman permit an interruption?

Mr. STAFFORD. Yes.

Mr. WALSH. Does the gentleman think that it would be a national calamity if in this one important respect you gave the department a little more than it asked for, as an indication of our interest and our generosity toward the commerce of this country in the event that peace shall have returned?

Mr. STAFFORD. Well, Mr. Chairman, after the gentleman has served on an appropriations committee he may realize that the department usually estimates for the full amount that it can possibly expend, and in this particular instance we have virtually granted their estimate for their activities outside of this country.

Mr. WALSH. I can not agree with that statement. They asked for \$435,000, and you have given them \$325,000, and you have said that only \$50,000 of that can be expended for branch offices.

Mr. STAFFORD. At present there are eight branch offices located in this country.

Mr. WALSH. How about branch offices abroad?

Mr. STAFFORD. There is no limit on them.

Mr. WALSH. Not more than \$50,000 shall be used for the expenses of branch offices. It does not say in this country. It says for branch offices. It might include branch offices abroad, and limit the expenditure for that. We ought to have 200 branch offices abroad, and we ought to have them established by this time.

Mr. STAFFORD. I think that was an oversight on the part of the committee. It was intended that that proviso should limit the expenditure for branch offices in the United States.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. WALSH].

The question being taken; on a division (demanded by Mr. WALSH) there were—ayes 2, noes 8.

Accordingly the amendment was rejected.

The clerk read as follows:

For technical investigations in cooperation with the industries upon fundamental problems involved in industrial development following the war, with a view to assisting in the permanent establishment of the new American industries developed during the war, including personal services in the District of Columbia and elsewhere, \$50,000, to be available immediately.

Mr. BYRNS of Tennessee. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. ALEXANDER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration the legislative, executive, and judicial appropriation bill, H. R. 14078, had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted—

To Mr. SEARS, indefinitely, on account of illness in his family (at the request of Mr. CLARK of Florida).

To Mr. SANDERS of Indiana, indefinitely, on account of illness (at the request of Mr. FURNELL).

To Mr. ROBBINS, for three days, on account of important business (at the request of Mr. ROSE).

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

S. 4554. An act for the sale of isolated tracts of the public domain in Minnesota; to the Committee on the Public Lands.

HOOR OF MEETING TO-MORROW.

Mr. BYRNS of Tennessee. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow. Is there objection?

Mr. WALSH. Reserving the right to object, does the gentleman feel that it is necessary to meet at 11 o'clock to-morrow in order to conclude the consideration of this bill?

Mr. BYRNS of Tennessee. I do, Mr. Speaker. I think it is certainly best to do that, for this reason: The gentleman knows that the Census Bureau has been passed over. The gentleman from Colorado came to me this evening and asked that we might have liberal debate upon the salary proposition. Then there is provision for a joint commission that is going to create some discussion.

Mr. WALSH. A point of order will be made on that.

Mr. BYRNS of Tennessee. If a point of order is made it will go out, because it is clearly subject to a point of order; but if no point of order is made we may be here for several hours, and I think that the gentleman should agree to meet at 11 o'clock. Then we would be certain to get through with this bill in time to get a decent hot dinner, which we have not been able to do for several days.

Mr. WALSH. If we do meet at 11 o'clock, is it intended to take up anything else besides this bill?

Mr. BYRNS of Tennessee. I can not say.

Mr. WALSH. I think the House ought to know that.

The SPEAKER. The Chair will state that he will not recognize anybody for anything unless it is of pressing necessity.

Mr. WALSH. With that understanding, I will not object to meeting at 11 o'clock.

The SPEAKER. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. BYRNS of Tennessee. I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 46 minutes p. m.) the House adjourned until Saturday, January 18, 1919, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, submitting supplemental estimates of appropriation required by the War Department for the fiscal year 1920 (H. Doc. No. 1695); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of War, transmitting estimates of claims for the relief of officers of the Engineer Corps of the Army, and for other purposes (H. Doc. No. 1696); to the Committee on Claims and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Miss RANKIN, from the Committee on the Public Lands, to which was referred the bill (S. 2715) to authorize an exchange of lands with the State of Montana in connection with Muddy Creek Reservoir site, Sun River project, and Nelson Reservoir site, Milk River project, and for other purposes, reported the same without amendment, accompanied by a report (No. 939), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. TILLMAN, from the Committee on Indian Affairs, to which was referred the bill (S. 4404) repealing that portion of the Indian appropriation act of March 1, 1907 (37 Stat. L., 1015, 1035), which relates to the disposal of the surplus unallotted lands within the Blackfeet Reservation, in Montana, reported the same with amendment, accompanied by a report (No. 940), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SUMNERS, from the Committee on the Judiciary, to which was referred the bill (S. 1590) providing for an increase of salary for the United States marshal and district attorney for the western district and for the United States district attorney for the eastern district of Louisiana, reported the same without amendment, accompanied by a report (No. 942), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. PHELAN, from the Committee on Banking and Currency, to which was referred the bill (H. R. 13560) to amend sections 7, 10, 11, and 25 of the Federal reserve act, and section 5172 of

the Revised Statutes of the United States, reported the same without amendment, accompanied by a report (No. 944), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. ALEXANDER, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill (S. 5102) to authorize the change of name of the steamer *Charlotte Graveret* *Breitung* to *T. K. Maher*, reported the same without amendment, accompanied by a report (No. 941), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. BLACKMON: A bill (H. R. 14585) authorizing the Secretary of War to donate to the city of Sylacauga, Ala., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 14586) authorizing the Secretary of War to donate to the city of Clanton, Ala., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 14587) authorizing the Secretary of War to donate to the city of Montevallo, Ala., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 14588) authorizing the Secretary of War to donate to the city of Columbiana, Ala., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 14589) authorizing the Secretary of War to donate to the city of Verbena, Ala., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 14590) authorizing the Secretary of War to donate to the city of Marion Junction, Ala., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 14591) authorizing the Secretary of War to donate to the city of Calera, Ala., one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. KNUTSON: A bill (H. R. 14592) granting a gratuity to members of the United States Army; to the Committee on Military Affairs.

Also, a bill (H. R. 14593) to donate two cannons of obsolete pattern to the city of Bemidji, in the State of Minnesota; to the Committee on Military Affairs.

Also, a bill (H. R. 14594) to donate two captured cannon or guns to the city of St. Cloud, in the State of Minnesota; to the Committee on Military Affairs.

Also, a bill (H. R. 14595) to donate two captured cannon or guns to the village of Long Prairie, in the State of Minnesota; to the Committee on Military Affairs.

Also, a bill (H. R. 14596) to donate two captured cannon or guns to the city of Little Falls, in the State of Minnesota; to the Committee on Military Affairs.

Also, a bill (H. R. 14597) to donate two captured cannon or guns to the village of Walker, in the State of Minnesota; to the Committee on Military Affairs.

Also, a bill (H. R. 14598) granting a gratuity to members of the United States Navy and Marine Corps; to the Committee on Naval Affairs.

By Mr. STINESS: A bill (H. R. 14599) authorizing the Secretary of War to donate to the town of Warwick, R. I., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 14600) authorizing the Secretary of War to donate to the Varnum Continentals of East Greenwich, R. I., one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. BLACK: A bill (H. R. 14601) authorizing the Secretary of War to donate to John C. Burks Camp, United Confederate Veterans, Clarksville, State of Texas, one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 14602) to repeal section 7 of the act entitled "An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," approved June 15, 1917; to the Committee on the Judiciary.

By Mr. O'SHAUNESSY: A bill (H. R. 14603) authorizing the Secretary of War to donate to the city of Newport, R. I., two German cannon or fieldpieces; to the Committee on Military Affairs.

By Mr. RAKER: A bill (H. R. 14604) to secure and protect the rights of women citizens of the United States to vote for

Senators and Representatives in the Congress of the United States of America; to the Committee on Military Affairs.

By Mr. KETTNER: A bill (H. R. 14605) authorizing the Secretary of War to donate to the city of Holtville, Cal., one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. SNELL: A bill (H. R. 14606) authorizing the Secretary of War to deliver to the village of Elizabethtown, N. Y., one cannon or fieldpiece, with carriage, captured in the war with Germany, together with a suitable number of shells; to the Committee on Military Affairs.

Also, a bill (H. R. 14607) authorizing the Secretary of War to deliver to the village of Ticonderoga, for the use of old Fort Ticonderoga, in the State of New York, one cannon or fieldpiece, with carriage, captured in the war with Germany, together with a suitable number of shells; to the Committee on Military Affairs.

Also, a bill (H. R. 14608) authorizing the Secretary of War to deliver to the village of Chateaugay, in the State of New York, one cannon or fieldpiece, with carriage, captured in the war with Germany, together with a suitable number of shells; to the Committee on Military Affairs.

By Mr. FULLER of Illinois: A bill (H. R. 14609) authorizing the Secretary of War to donate to the village of Winnebago, Ill., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 14610) authorizing the Secretary of War to donate to the village of Roscoe, Ill., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 14611) authorizing the Secretary of War to donate to the village of Kingston, Ill., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 14612) authorizing the Secretary of War to donate to the village of Capron, Ill., one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. CHANDLER of Oklahoma: A bill (H. R. 14613) authorizing the Secretary of War to donate to the city of Miami, Okla., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 14614) authorizing the Secretary of War to donate to the city of Pryor, Okla., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 14615) authorizing the Secretary of War to donate to the city of Vinita, Okla., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 14616) authorizing the Secretary of War to donate to the city of Nowata, Okla., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 14617) authorizing the Secretary of War to donate to the city of Claremore, Okla., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 14618) authorizing the Secretary of War to donate to the city of Bartlesville, Okla., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 14619) authorizing the Secretary of War to donate to the city of Tulsa, Okla., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 14620) authorizing the Secretary of War to donate to the city of Pawhuska, Okla., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 14621) authorizing the Secretary of War to donate to the city of Pawnee, Okla., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 14622) authorizing the Secretary of War to donate to the city of Delaware, Okla., one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. JOHNSON of Washington: A bill (H. R. 14623) to expel and exclude from the United States aliens who, to escape military service, have withdrawn their declaration of intention to become citizens; to the Committee on Immigration and Naturalization.

By Mr. ELSTON: A bill (H. R. 14624) to eliminate private land holdings from General Grant National Park; to the Committee on the Public Lands.

By Mr. CHARLES B. SMITH: A bill (H. R. 14625) granting the consent of Congress to Oliver Cabana, jr.; Myron S. Hall; E. G. Connette; William F. MacGlashan; John H. Bradley; and M. A. Hurt to construct a bridge across Niagara River within or near the city limits of Buffalo, and for other purposes; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 14626) to create an aircraft board; to the Committee on Interstate and Foreign Commerce.

By Mr. LESHER: A bill (H. R. 14627) authorizing the Secretary of War to donate to the borough of Catawissa, county of Columbia, Pa., one cannon or fieldpiece captured from the enemy during the present war; to the Committee on Military Affairs.

Also, a bill (H. R. 14628) authorizing the Secretary of War to donate to the borough of Berwick, county of Columbia, Pa., one cannon or fieldpiece captured from the enemy during the present war; to the Committee on Military Affairs.

Also, a bill (H. R. 14629) authorizing the Secretary of War to donate to the borough of Northumberland, county of Northumberland, Pa., one cannon or fieldpiece captured from the enemy during the present war; to the Committee on Military Affairs.

Also, a bill (H. R. 14630) authorizing the Secretary of War to donate to the borough of Watsonstown, county of Northumberland, Pa., one cannon or fieldpiece captured from the enemy during the present war; to the Committee on Military Affairs.

Also, a bill (H. R. 14631) authorizing the Secretary of War to donate to the borough of Mount Carmel, county of Northumberland, Pa., one cannon or fieldpiece captured from the enemy during the present war; to the Committee on Military Affairs.

Also, a bill (H. R. 14632) authorizing the Secretary of War to donate to the borough of Milton, county of Northumberland, Pa., one cannon or fieldpiece captured from the enemy during the present war; to the Committee on Military Affairs.

Also, a bill (H. R. 14633) authorizing the Secretary of War to donate to the borough of Shamokin, county of Northumberland, Pa., one cannon or fieldpiece captured from the enemy during the present war; to the Committee on Military Affairs.

Also, a bill (H. R. 14634) authorizing the Secretary of War to donate to the borough of Dushore, county of Sullivan, Pa., one cannon or fieldpiece captured from the enemy during the present war; to the Committee on Military Affairs.

By Mr. TAYLOR of Colorado: A bill (H. R. 14635) to authorize an exchange of lands within the Montezuma National Forest in the State of Colorado; to the Committee on the Public Lands.

By Mr. RAKER: A bill (H. R. 14636) authorizing the Secretary of War to donate to the city of Alturas, Cal., two German cannon or fieldpieces, with their accompaniments; to the Committee on Military Affairs.

Also, a bill (H. R. 14637) authorizing the Secretary of War to donate to the city of Westwood, Cal., two German cannon or fieldpieces, with their accompaniments; to the Committee on Military Affairs.

Also, a bill (H. R. 14638) authorizing the Secretary of War to donate to the city of Redding, Cal., two German cannon or fieldpieces, with their accompaniments; to the Committee on Military Affairs.

Also, a bill (H. R. 14639) authorizing the Secretary of War to donate to the city of Red Bluff, Cal., two German cannon or fieldpieces, with their accompaniments; to the Committee on Military Affairs.

Also, a bill (H. R. 14640) authorizing the Secretary of War to donate to the city of Yreka, Cal., two German cannon or fieldpieces, with their accompaniments; to the Committee on Military Affairs.

Also, a bill (H. R. 14641) authorizing the Secretary of War to donate to the city of Nevada City, Cal., two German cannon or fieldpieces, with their accompaniments; to the Committee on Military Affairs.

Also, a bill (H. R. 14642) authorizing the Secretary of War to donate to the city of Grass Valley, Cal., two German cannon or fieldpieces, with their accompaniments; to the Committee on Military Affairs.

Also, a bill (H. R. 14643) authorizing the Secretary of War to donate to the city of Placerville, Cal., two German cannon or fieldpieces, with their accompaniments; to the Committee on Military Affairs.

Also, a bill (H. R. 14644) authorizing the Secretary of War to donate to the city of Quincy, Cal., two German cannon or fieldpieces, with their accompaniments; to the Committee on Military Affairs.

Also, a bill (H. R. 14645) authorizing the Secretary of War to donate to the city of Mariposa, Cal., two German cannon or fieldpieces, with their accompaniments; to the Committee on Military Affairs.

Also, a bill (H. R. 14646) authorizing the Secretary of War to donate to the city of Susanville, Cal., two German cannon or fieldpieces, with their accompaniments; to the Committee on Military Affairs.

Also, a bill (H. R. 14647) authorizing the Secretary of War to donate to the city of Jackson, Cal., two German cannon or fieldpieces, with their accompaniments; to the Committee on Military Affairs.

Also, a bill (H. R. 14648) authorizing the Secretary of War to donate to the city of San Andreas, Cal., two German cannon or fieldpieces, with their accompaniments; to the Committee on Military Affairs.

Also, a bill (H. R. 14649) authorizing the Secretary of War to donate to the city of Sonora, Cal., two German cannon or fieldpieces, with their accompaniments; to the Committee on Military Affairs.

By Mr. HOLLINGSWORTH: A bill (H. R. 14650) authorizing the Secretary of War to donate to the city of East Liverpool, Ohio, one German cannon or fieldpiece and one machine gun; to the Committee on Military Affairs.

By Mr. KRAUS: A bill (H. R. 14651) authorizing the Secretary of War to donate to the city of North Manchester, Ind., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 14652) authorizing the Secretary of War to donate to the county of Miami, Ind., one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. PURNELL: A bill (H. R. 14653) authorizing the Secretary of War to donate to the town of New Richmond, county of Montgomery, Ind., one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. SIMS: A bill (H. R. 14654) authorizing the Secretary of War to donate to the cities and towns of Selmer, Henderson, Jackson, Lexington, Decaturville, Linden, Camden, Huntingdon, Paris, and Savannah, Tenn., each one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. MORGAN: A bill (H. R. 14655) authorizing the Secretary of War to donate to the city of Alva, Okla., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 14656) authorizing the Secretary of War to donate to the city of Woodward, Okla., one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. LANGLEY: A bill (H. R. 14657) authorizing the Secretary of War to donate to the city of McKee, Ky., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 14658) authorizing the Secretary of War to donate to the city of Booneville, Ky., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 14659) authorizing the Secretary of War to donate to the city of Whitesburg, Ky., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 14660) authorizing the Secretary of War to donate to the city of Hazard, Ky., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 14661) authorizing the Secretary of War to donate to the city of Hindman, Ky., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 14662) authorizing the Secretary of War to donate to the city of Paintsville, Ky., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 14663) authorizing the Secretary of War to donate to the city of Salyersville, Ky., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 14664) authorizing the Secretary of War to donate to the city of Prestonsburg, Ky., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 14665) authorizing the Secretary of War to donate to the city of Inez, Ky., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 14666) authorizing the Secretary of War to donate to the city of Pikeville, Ky., one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. GOODWIN of Arkansas: Resolution (H. Res. 506) providing increased compensation to the official reporters of debates and to the assistant to the official reporters of debates; to the Committee on Accounts.

By Mr. EMERSON: Joint resolution (H. J. Res. 388) authorizing the Secretary of War to donate a large cannon to the city of Cleveland, Ohio; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BLAND of Indiana: A bill (H. R. 14667) granting an increase of pension to George W. Lampkins; to the Committee on Invalid Pensions.

By Mr. DALLINGER: A bill (H. R. 14668) granting a pension to Maria Rice; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 14669) granting an increase of pension to Benjamin F. McKee; to the Committee on Pensions.

By Mr. KIESS of Pennsylvania: A bill (H. R. 14670) granting a pension to Mary A. Brace; to the Committee on Invalid Pensions.

By Mr. WEBB: A bill (H. R. 14671) granting a pension to Martha C. Eggers; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. CARY: Petition of citizens of Milwaukee, Wis., relative to converting portion of T. N. T. plant at Ives, Wis., into a zoological garden; to the Committee on Ways and Means.

Also, resolutions unanimously adopted by 900 delegates in convention assembled on Saturday evening, January 11, 1919, at Baltimore, Md., with governor of Maryland presiding, supporting and approving President Wilson's high aims to secure a league of nations; to the Committee on Foreign Affairs.

By Mr. GALLIVAN: Resolution by the Lithuanian Women's Progressive Alliance of America, second district of Massachusetts, demanding release of all political and war prisoners; to the Committee on Military Affairs.

By Mr. KETTNER: Resolutions by Redlands Chamber of Commerce, Redlands, Cal., favoring the nationalization of highways; to the Committee on Roads.

By Mr. McKEOWN: Resolutions adopted by Kickapoo Lodge, No. 293, Brotherhood of Boiler Makers and Iron Ship Builders, of Shawnee, Okla., relating to Government control of railroads; to the Committee on Interstate and Foreign Commerce.

SENATE.

SATURDAY, January 18, 1919.

(Legislative day of Tuesday, January 14, 1919.)

The Senate met at 12 o'clock noon, on the expiration of the recess.

PETITIONS AND MEMORIALS.

Mr. CURTIS presented petitions of the Southern Railway Federated Trades Council, of Kansas City; of Dewey Lodge, No. 9, International Brotherhood of Boiler Makers, Iron Ship Builders, and Helpers of America, of Horton; of Prairie Lodge, No. 404, International Brotherhood of Boiler Makers, Iron Ship Builders, and Helpers of America, of Newton; of Local Lodge No. 751, Brotherhood of Railway Carmen, of Topeka; of the Industrial Council of Topeka; and of sundry citizens of Chanute, all in the State of Kansas, praying for the proposed extension of Federal control of railroads, which were referred to the Committee on Interstate Commerce.

He also presented a petition of the Grovier Produce Co., of Hutchinson, Kans., and a petition of sundry citizens of McPherson County, Kans., praying for the return to private ownership of the railroads of the country, which were referred to the Committee on Interstate Commerce.

Mr. TOWNSEND presented a petition of Local Grange No. 1566, Patrons of Husbandry, of Ann Arbor, Mich., and a petition of Celery City Lodge, No. 1087, Brotherhood of Railway Carmen of America, of Kalamazoo, Mich., praying for the proposed extension of Federal control of railroads, which were referred to the Committee on Interstate Commerce.

He also presented a memorial of sundry retail jewelers of Pontiac, Mich., remonstrating against the proposed increase of tax on jewelry in the pending revenue bill, which was ordered to lie on the table.

He also presented petitions of the Kiwanis Club, of Muskegon; of the Board of Education of Gladstone; and of the Study Club, of East Jordan, all in the State of Michigan, praying for the establishment of a department of education, which were referred to the Committee on Education and Labor.

He also presented a petition of the Michigan Business Woman's Association, of Bay City, Mich., praying for the enactment of legislation granting commissions to nurses, which was referred to the Committee on Military Affairs.

REPORTS OF COMMITTEE ON PUBLIC LANDS.

Mr. CHAMBERLAIN, from the Committee on Public Lands, to which was referred the bill (H. R. 8625) to accept from the Southern Oregon Co., a corporation organized under the laws of the State of Oregon, a reconveyance of the lands granted to the State of Oregon by the act approved March 3, 1869, entitled "An act granting lands to the State of Oregon to aid in the construction of a military wagon road from the navigable waters of Coos Bay to Roseburg, in said State, commonly known as the Coos Bay wagon-road grant, to provide for the disposition of said lands, and for other purposes," reported it without amendment and submitted a report (No. 650) thereon.

Mr. McNARY, from the Committee on Public Lands, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

H. R. 12579. An act to grant to citizens of Malheur County, Oreg., the right to cut timber in the State of Idaho for agricul-